



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

Supervisor's Office
599 West Price River Drive
Price, UT 84501
Phone # (435) 637-2817
Fax# (435) 637-4940

File Code: 2820-4
Date: July 31, 2001

Sally Wisely
State Director
USDI - Bureau of Land Management, Utah State Office
P. O. Box 45155
Salt Lake City, UT 84145-0155

UTAH STATE OFFICE STATE DIRECTORS' OFFICE			
RT	OFFICE	INITIAL	DATE
	SD		
	ASD		
	TE		
	EA		
	EEO		
	NAT RES		
	LAND MIN		
	SUP SVC		

Dear Sally:

The Manti-La Sal National Forest has evaluated an application for modification of Federal Coal Leases U-38727 and U-61049, submitted to the Utah State Office of the Bureau of Land Management (BLM) by Co-op Mining Company on behalf of COP Coal Development Company. The proposal involves adding 40.0 acres to lease U-38727 and 160.0 acres to lease U-61049. The lease modification areas lie on National Forest System lands administered by the Manti-La Sal National Forest in Emery County, Utah.

I have decided to consent to the modification of Federal Coal Leases U-38727 and U-61049 by the BLM. The modifications areas would be subject to the lease terms, conditions, and stipulations contained in leases U-38727 and U-61049. This decision does not approve mining that would cause subsidence or surface disturbance. A copy of the Decision Memo is enclosed.

Please contact Dale Harber at (435) 637-2817 if you have any questions.

Sincerely,

ELAINE J. ZIEROTH
Forest Supervisor

RECEIVED

AUG 3 2001

Bureau of
Land Management

FILE IN: Expandable 07082006
Refer to Record No. 0040
in 00150025, 2006 INCOMING
for additional information

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JUL 28 2006

DIV. OF OIL, GAS & MINING



Decision Memo

**COP Coal Development Company
Modification of Federal Coal Leases U-38727 and U-61049
Bear Canyon Mine**

**USDA-Forest Service, Intermountain Region
Manti-La Sal National Forest
Ferron-Price Ranger District
Emery County, Utah**

I. INTRODUCTION

The Manti-La Sal National Forest has evaluated an application for modification of Federal Coal Leases U-38727 and U-61049, submitted to the Utah State Office of the Bureau of Land Management (BLM) by Co-op Mining Company on behalf of COP Coal Development Company. The proposal involves adding 40.0 acres to lease U-38727 and 160.0 acres to lease U-61049. The lease modification areas lie on National Forest System lands administered by the Manti-La Sal National Forest in Emery County, Utah, as follows (see attached map):

Lease U-38727

**T. 16 S., R. 7 E., SLM, Emery County, Utah
Section 24, NE4NE4**

Lease U-61049

**T. 16 S., R. 8 E., SLM, Emery County, Utah
Section 19, SE4NE4, NE4SE4, and
Section 20, SW4NW4, NW4SW4**

These areas are completely encompassed by the Logical Mining Unit for the COP Coal Development Company's Bear Canyon Mine. Approval of Co-op's application would involve adding these two parcels to the current leases, subject to lease stipulations already contained in the existing leases, including those to prevent subsidence of escarpments unless specifically approved. Federal Coal Leases U-38727 and U-61049 are included in the permit area for the Bear Canyon Mine and have been approved for mining.

II. Decision

I have decided to consent to the modification of Federal Coal Leases U-38727 and U-61049 by the BLM. The modification area would be subject to the lease terms, conditions, and stipulations contained in leases U-38727 and U-61049. This decision does not approve mining that would cause subsidence or surface disturbance.

III. Decision Rationale

This decision was made after careful consideration of the proposal, public involvement, and the entirety of the supporting record. No one fact or single piece of information led to the decision; a combination of factors contributed to it. The key considerations are discussed in the following sub-parts.

Purpose and Need:

The general purpose and need for this project is to accomplish the following goal of the Forest Plan: "Provide appropriate opportunities for and manage activities related to locating, leasing, development, and production of mineral and energy resources." (Forest Plan, p. III-4.) Another related goal of the Forest Plan is: "Manage geologic resources, common variety minerals, ground water, and underground spaces (surficial deposits, bedrock, structures, and processes) to meet resource needs and minimize adverse effects."

The project-specific purpose and need of the proposed action is to permit mining of coal reserves encompassed by existing leases, while protecting natural resources of the National Forest consistent with Forest Service policy and Forest Plan direction. If these coal reserves are not mined as a part of the current mining operations, they will be uneconomic for future mining and will be lost forever as an energy resource.

This decision wholly meets the project's purpose and need.

Absence of Extraordinary Circumstances:

Existing resource conditions and potential extraordinary circumstances have been considered in making this decision.

Steep slopes or highly erosive slopes. The proposed lease modification would not authorize mining that would cause subsidence of escarpments or surface disturbance.

Threatened and endangered species or their critical habitat. There will be no impact to surface resources, so there will be no impact to either threatened and endangered species or their habitat. The supporting *Biological Evaluation and Assessment* is available for review in the project file.

Floodplains, wetlands, or municipal watersheds. There will be no impact to surface resources, so there will be no impact to floodplains, wetlands, or municipal watersheds.

Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas. There are no wilderness, wilderness study areas, or National Recreation Areas in or around the proposed lease modification area. The nearest wilderness area is the Nebo Wilderness located on the Uinta National Forest approximately 42 miles to the northwest.

Inventoried roadless areas. The proposed lease modification area is not within an inventoried roadless area or an unroaded area contiguous to an inventoried roadless area.

Research Natural Areas. The proposed lease modification area is not located within any Research Natural Areas (RNAs). The nearest RNAs are Nelson Mountain, west of

Ferron, Utah, and Elk Knoll in Manti Canyon. The Mont Lewis Botanical Area is located approximately 10 miles to the northwest.

Native American religious or cultural sites, archaeological sites, or historic properties or areas. Because there will be no subsidence or surface disturbance, professional archaeological staff have determined that the project does not have the potential to affect cultural or historic sites. A cultural resources survey will be required if surface disturbing activities are proposed in the future.

Relationship to Public Involvement:

Public comments were sought and considered throughout the planning process for this project. One letter was received. The North Emery Water Users Association is concerned that mining around Birch Spring could impact their water sources. They feel that monitoring is necessary and that precautions be taken to protect water quality and quantity, and that it is the responsibility of the mining company to prove that mining will not have a negative impact on the spring.

Baseline data have been collected on surface and ground water in the lease area, and monitoring (including Birch Spring) is conducted quarterly. The lessee is also responsible to replace any surface or developed ground water sources that may be lost or adversely affected by mining.

It is my determination that this decision may be categorically excluded from preparation of an Environmental Assessment or Environmental Impact Statement under Forest Service Handbook 1909.15, Chapter 30, Section 31.1b(7): "Sale or exchange of land or interest in land and resources where resulting land uses remain essentially the same." This category was determined appropriate because no impacts to surface resources or hydrology are anticipated and surface uses would remain essentially the same.

The application, as submitted, and the stipulations in Federal Coal Leases U-38727 and U-61049, would provide adequate protection of Forest resources. There is no need for additional terms and conditions for the protection of Forest resources. The proposal is consistent with all Forest Plan requirements.

IV. Public Involvement

Legal notices describing the proposal and requesting issues or comments were published in the *Sun Advocate* newspaper (Price, Utah) on June 14, 2001, and in the *Emery County Progress* newspaper on June 19, 2001. Letters describing the proposal and requesting issues and comments were mailed to organizations and individuals on the NEPA mailing list who have expressed an interest in this type of proposal on June 22, 2001. One response was received, as described in the Decision Rationale section above. The proposal was also listed in the quarterly Schedule of Proposed Actions on July 9, 2001, which is mailed to organizations and individuals who have expressed an interest, and is also available on the Internet.

V. Findings Required by other Laws and Regulations

To the best of my knowledge, this decision complies with all applicable laws and regulations. In the following, the association of the decision to some pertinent legal requirements are summarized.

National Forest Management Act of 1976:

The Forest Plan was approved November 5, 1986, as required by this Act. This long-range land and resource management plan provides guidance for all resource management activities on the Forest. The National Forest Management Act requires all projects and activities to be consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this proposal. The decision will be consistent with the Forest Plan.

The proposed lease modification area contains lands defined in the Forest Plan as Range and General Winter Range Management Units. The emphasis in Range units is on forage production for wildlife and livestock, but allows mineral activities as long as livestock access and use is maintained. The emphasis in General Winter Range units is on providing general big-game winter range. The general direction is to "Modify, delay, or deny mineral leasing, exploration, and/or surface occupancy, where applicable, if they cause unacceptable stress on big game or unmitigated damage to their habitat." General direction is to prohibit activities during critical periods of big-game use, and that approved activities must be short-term and prompt reclamation must be assured. Because there will be no surface impacts, there will be no impacts to either big-game or their habitat.

Mineral Leasing Act of 1920, as amended:

The Bureau of Land Management has authority under this act to lease Federal coal reserves and to administer the leases, including issuance of non-competitive lease modifications that do not exceed 160 acres per lease.

Coal Leasing Amendment Act of 1975:

Forest Service consent to approval of mining operations by the Bureau of Land Management (including conditions for the protection of non-coal resources) is required under this act. Approval of this decision memo constitutes my consent to the BLM.

Surface Mining Control and Reclamation Act of 1977 (SMCRA):

This act gives the Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSM), primary responsibility to administer programs that regulate surface coal mining operations and the surface effects of underground coal mining operations. Pursuant to sections 503 and 523 of SMCRA, under the oversight of the OSM, the Utah Division of Oil, Gas and Mining regulates surface coal mining and the surface effects of underground coal mining on Federal and non-Federal lands within the State of Utah. On National Forest System lands, consent must be obtained from the Forest Service; the surface management agency, prior to approval of mining activities, including exploration drilling. Approval of this decision document and transmittal to the Utah State Director of the BLM constitutes my consent for approval of the mine permit amendment. The BLM is a joint agency, and OSM a cooperating agency, in preparation of this document.

National Historic Preservation Act:

This mine permit amendment will not result in any impacts to cultural or historic resources.

Endangered Species Act:

The Biological Assessment/Biological Evaluation (on file in the project report) has disclosed that this mine permit amendment will not result in impacts to threatened, endangered, or sensitive plant or animal species. Therefore the Forest Biologist determined there is no need to further evaluate threatened, endangered, or sensitive plant or animal species.

National Environmental Policy Act:

The entirety of documentation for this project supports that the project analysis complies with this Act.

Executive Order 12898:

Executive Order 12898, Federal Actions to Address Environmental Justice in: Minority Populations and Low-Income Populations, and Departmental Regulation 5600-2, direct federal agencies to integrate environmental justice considerations into federal programs and activities. Environmental justice means that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on, are allowed to share in the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by, government programs and activities affecting human health or the environment. My decision is consistent with this Order. My decision sought and incorporated public involvement. My decision will not have a discernible effect on minorities, American Indians, or women, or the civil rights of any United States citizen. Nor will it have a disproportionate adverse impact on minorities or low-income individuals.

VI. Implementation Date and Appeal Opportunity

My decision may be implemented upon transmittal of this Decision Memo and consent letter to the Utah State Director of the BLM.

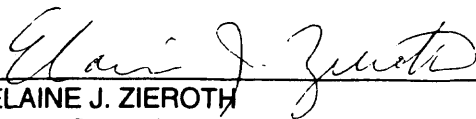
This decision is not subject to appeal by the public in accordance with the Code of Federal Regulations, Title 36, part 215.

This decision is subject to appeal by the applicant under Code of Federal Regulations, Title 36, part 251.

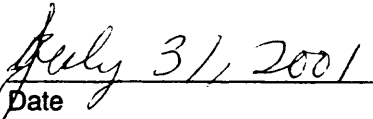
VII. Contact Person

For additional information concerning the Forest Service decision, please contact Dale Harber at the USDA-Forest Service, Manti-La Sal National Forest (address: 599 West Price River Drive, Price, Utah 84501; telephone: 435-637-2817).

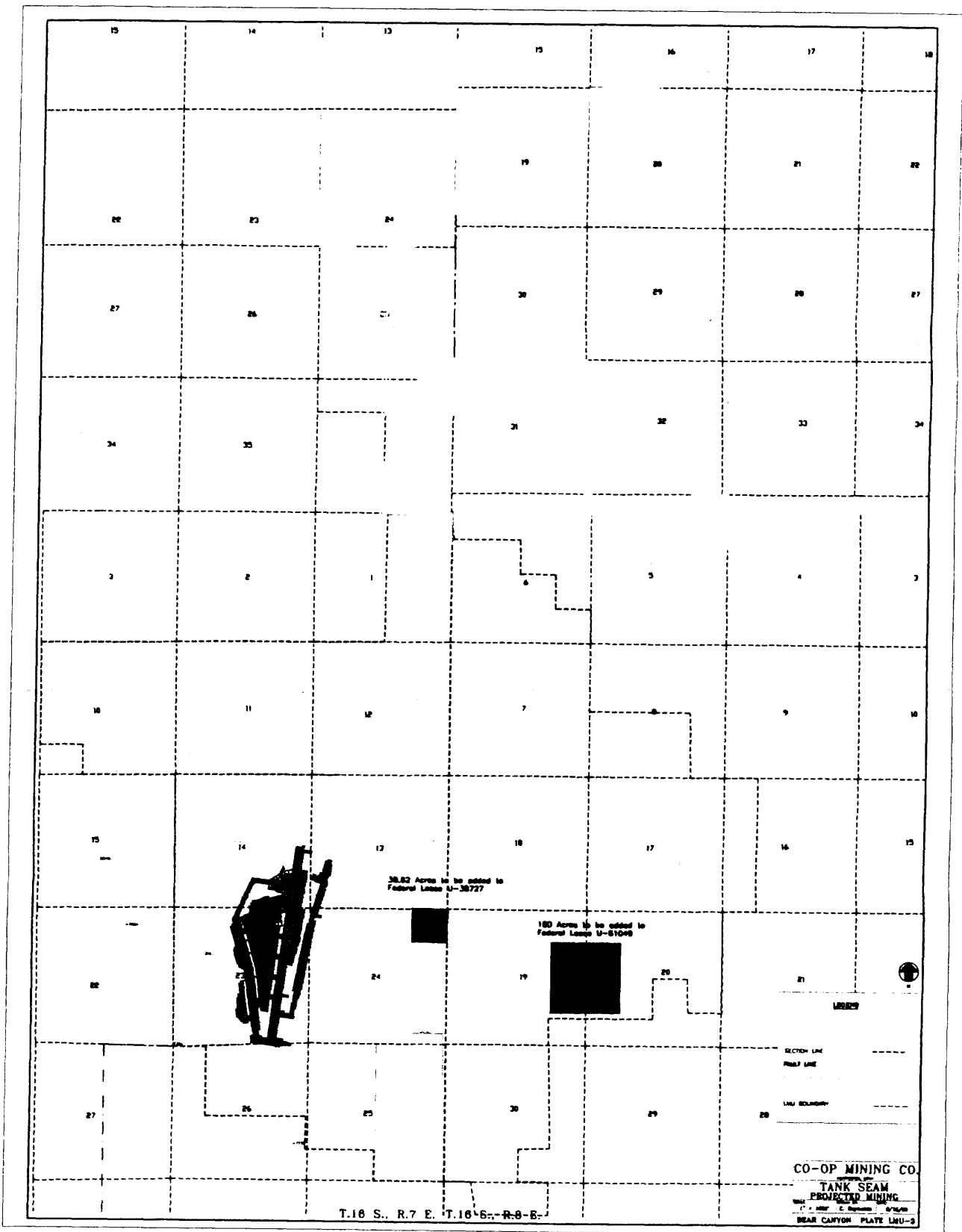
VIII. Signature and Date



ELAINE J. ZIEROTH
Forest Supervisor
Manti-La Sal National Forest



Date



Sec. 15 - SPECIAL STIPULATIONS

The following stipulations made part of this lease may be waived or amended with the mutual consent of the lessor and lessee.

1. In accordance with Sec. 523(b) of the "Surface Mining Control and Reclamation Act of 1977," surface mining and reclamation operations conducted on this lease are to conform with the requirements of this act and are subject to compliance with Office of Surface Mining regulations, or as applicable, a Utah program equivalent approved under cooperative agreement in accordance with Sec. 523(c). The United States Government does not warrant that the entire tract will be susceptible to mining.

2. The permitting of any mining operations on the lease will be subject to the possible designation of any portion of the lease as unsuitable for some or all kinds of surface mining under the regulations of the Department under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) in effect at the time of action on the mine plan permit.

3. Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the lessee may be required to conduct a cultural resource inventory of the areas to be disturbed. These studies shall be conducted by a qualified, professional cultural resource specialist and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural resources.

If significant cultural resources are discovered during operations under this lease, the lessee shall immediately bring them to the attention of the authorized officer who shall evaluate, or have evaluated, such discoveries and, within 5 working days, shall notify the lessee what action shall be taken with respect to such discoveries.

The cost of conducting the inventory, preparing reports, and carrying out necessary protective mitigating measures shall be borne by the lessee.

4. Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the lessee may be required to conduct a paleontological appraisal of the areas to be disturbed. The appraisal shall be conducted by qualified paleontologists and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified paleontological resources.

If paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the lessee shall immediately bring them to the attention of the authorized officer who shall evaluate, or have evaluated, such discoveries and, within 5 working days, shall notify the lessee what action shall be taken with respect to such discoveries. Paleontological remains of significant scientific interest do not include leaves, ferns, or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out necessary protective mitigating measures shall be borne by the lessee. The cost of salvage of paleontological remains (fossils) shall be borne by the United States.

5. If there is reason to believe that threatened or endangered (T&E) species of plants, animals, or migratory species of high federal interest occur in the area, the lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. A listing of migratory birds of high federal interest in federal coal producing regions is published by the Fish and Wildlife Service, Migratory Bird Management Office, Washington, D.C. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports, and carrying out necessary protective mitigating measures shall be borne by the lessee.

6. The lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data is adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the interrelationship of the geology, topography, surface hydrology, vegetation, and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

7. Powerlines on the lease area used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

8. The lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal-handling and storage facilities on the lease area. The migration of road surfacing and subsurface materials into streams and water courses shall be prevented.

9. The lessee shall be required to establish a monitoring system to locate, measure, and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and

vegetation. The monitoring system shall utilize techniques which will provide a continuing record of changeover time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

10. Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: 1) cause the creation of hazardous conditions, such as potential escarpment failure and landslides, 2) cause damage to existing surface structures, and 3) damage or alter the flow of perennial streams.

11. In order to avoid surface disturbance on steep canyon slopes and to satisfy the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specifically approved locations.

12. Support facilities, structures, equipment, and similar developments will be removed from the lease area within 2 years after the final termination of use of such facilities. This provision shall apply unless the requirement of Section 10 of the lease form is applicable. Disturbed areas and those areas occupied by such facilities will be stabilized and rehabilitated, drainages reestablished, and the areas returned to a premining land use.

File Code 3451

RECORD OF DECISION AND
FINDING OF NO SIGNIFICANT IMPACT

EA Log No. UT-066-89-26X

Lease or
Serial No. U-61049

Project Coal Lease Readjustment

Applicant International Power Agency

Project T.16S., R.7E., Sec. 1, 12, 13

Location T.16S., R.8E.,, SLB&M

5250 South 300 West

Sec. 7, 18, 19, 20

Address Salt Lake City, UT 84107

County Emery, Utah

BLM Office Price River Resource Area

Phone No. (801) 637-4584

RECORD OF DECISION

Decision: The following is the decision of the Bureau.

Rationale:

Environmental Considerations: I have considered the environmental consequences of this decision as documented in the accompanying environmental assessment or categorical exclusion, referenced above. Except as noted in the Rationale, all environmental considerations have been adequately addressed in the accompanying document.

STIPULATIONS

This decision incorporates by reference the attached stipulations. The stipulations have been developed to mitigate adverse environmental impacts which may result from the action permitted by this decision.

FINDING OF NO SIGNIFICANT IMPACT
(Does not apply to categorical exclusions.)

Based on the analysis of potential environmental impacts contained in the accompanying environmental assessment, referenced above, I have determined that impacts are not expected to be significant. Therefore an environmental impact statement is not required.

Mark E. Bailey
Area Manager

4/10/89
Date

UT-060-1790-2
July 1986

RECORD OF CATEGORICAL EXCLUSION (CX) DETERMINATIONEA Log No. UT-066-89-26XLease or
Serial No. U-61049Project Coal Lease ReadjustmentApplicant International Power AgencyProject T.16S., R.7E., Sec. 1, 12, 13
Location T.16S., R.8E., SLB&M5250 South 300 WestSec. 7, 18, 19, 20Address Salt Lake City, UT 84107County Emery, UtahBLM Office Price River Resource AreaPhone No. (801) 637-4584

CX Number from 516 DM 2, App. 1 (5/11/84) or 516 DM 6, App. 5.4 (9/26/83) _____

Description of the ProposedAction: Readjustment of coal lease U-61049Surface ownership divided between USFS and privateSUMMARY OF FINDINGS

The proposed action is categorically excluded from environmental assessment (EA) or environmental impact statement (EIS) preparation under 516 DM 6, Appendix 2 or Appendix 5. The proposed action has been reviewed against the ten criteria for an exception to a categorical exclusion (CX), as identified in 516 DM 2.3 A(3). The proposed action does not fall under any exception and is therefore categorically excluded from further assessment.

DOCUMENTATION OF CX EXCEPTIONS

The proposed action would not create adverse environmental effects under the CX exceptions, unless as noted. The proposed action may:

<u>Yes</u>	<u>No</u>	<u>CX Exception</u>
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- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Have significant adverse effects on public health or safety. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Have highly controversial environmental effects. |

Yes No CX Exception

- ☐ ☒ 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- ☐ ☒ 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- ☐ ☒ 6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.
- ☐ ☒ 7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
- ☐ ☒ 8. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species.
- ☐ ☒ 9. Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.
- ☐ ☒ 10. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

DOCUMENTATION OF RECOMMENDED MITIGATION

For any item checked "Yes," can the impacts be substantially relieved by the mitigating measures proposed by the applicant or by the BLM? If not, the conditions for a CX cannot be met.

<u>Item No.</u>	<u>Can Be Mitigated</u>	<u>Cannot Be Mitigated</u>	<u>Mitigation Reference</u>
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CX DETERMINATION

The proposed action has been determined to meet the criteria for a CX. The action as mitigated does not fall under any of the exceptions to a CX.

Prepared By

Title

Date

UT-060-1790-5
(Page 2 of 2)
July 1986



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
UTAH STATE OFFICE
324 SOUTH STATE, SUITE 301
SALT LAKE CITY, UTAH 84111-2303



IN REPLY REFER TO:

3451
(U-921)
U-61049

April 7, 1989

Memorandum

To: Chief, Minerals Adjudication Section
From: Chief, Branch of Mining Law and Solid Minerals
Subject: Readjustment of Coal Lease U-61049, Intermountain Power Agency

In consideration of the readjustment of Federal coal lease U-61049, we have reviewed the response from the Forest Service. We concur with their recommendations which include stipulations in the Forest Service Environmental Assessment (EA) as Appendix A. We recommend that the attached Sec. 15 Special Stipulations be used (which includes Stip. No. 22, which was inadvertently excluded by the Forest Service in the EA list of Stipulations).

1 Attachments

1. Sec. 15 Special Stipulations
2. FS EA

Sec. 15. SPECIAL stipulations.

1. The Regulatory Authority shall mean the State Regulatory Authority pursuant to a cooperative agreement approved under 30 CFR Part 745 or in the absence of a cooperative agreement, Office of Surface Mining. The Authorized Officer shall mean the State Director, Bureau of Land Management. The Authorized Officer of the Surface Management Agency shall mean the Forest Supervisor, Forest Service. Surface Management Agency for private surface is the Bureau of Land Management. For adjoining private lands with Federal minerals and which primarily involve National Forest Service issues, the Forest Service will have the lead for environmental analysis and, when necessary, documentation in an environmental assessment or environmental impact statement.
2. The Authorized Officers, of the Bureau of Land Management, Office of Surface Mining (Regulatory Authority), and the Surface Management Agency (Forest Service) respectively, shall coordinate, as practical, regulation of mining operations and associated activities on the lease area.
3. In accordance with Sec. 523(b) of the "Surface Mining Control and Reclamation Act of 1977," surface mining and reclamation operations conducted on this lease are to conform with the requirements of this Act and are subject to compliance with Office of Surface Mining Regulations, or as applicable, a Utah program equivalent approved under cooperative agreement in accordance with Sec. 523(c). The United States Government does not warrant that the entire tract will be susceptible to mining.
4. Federal Regulations 43 CFR 3400 pertaining to Coal Management make provisions for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. All or part of this lease contain lands the surface of which are managed by the United States Department of Agriculture, Forest Service Manti-LaSal National Forest.

The following stipulations pertain to the Lessee responsibility for mining operations on the lease area and on adjacent areas as may be specifically designated on National Forest System lands.

5. Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the Lessee may be required to conduct a cultural resource inventory and a paleontological appraisal of the areas to be disturbed. These studies shall be conducted by qualified professional cultural resource specialists or qualified paleontologists, as appropriate, and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural or paleontological resources.

If cultural resources or paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the Lessee prior to disturbance shall, immediately bring them to the attention of the appropriate authorities. Paleontological remains of significant scientific interest do not include leaves, ferns, or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the Lessee.

6. If there is reason to believe that threatened or endangered (T&E) species of plants or animals, or migratory bird species of high Federal interest occur in the area the Lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the Lessee.

7. The Lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data is adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the inter-relationship of the geology, topography, surface hydrology, vegetation, and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

8. Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

9. The limited area available for mine facilities at the coal outcrop, steep topography, adverse winter weather, and physical limitations on the size and design of the access road, are factors which will determine the ultimate size of the surface area utilized for the mine. A site specific environmental analysis will be prepared for each new mine site development and for major modifications to existing developments to examine alternatives and mitigate conflicts.

10. Consideration will be given to site selection to reduce adverse visual impacts. Where alternative sites are available, and each alternative is technically feasible, the alternative involving the least damage to the scenery and other resources shall be selected. Permanent structures and facilities will be designed, and screening techniques employed, to reduce visual impacts, and where possible achieve a final landscape compatible with the natural surroundings. The creation of unusual, objectionable, or unnatural land forms and vegetative landscape features will be avoided.

11. The Lessee shall be required to establish a monitoring system to locate, measure, and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

12. The Lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal handling and storage facilities. On Forest Development Roads (FDR), Lessees may perform their share of road maintenance by a commensurate share agreement if a significant degree of traffic is generated that is not related to their activities.
13. Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to existing surface structures, or (3) damage or alter the flow of perennial streams. The Lessee shall provide specific measures for the protection of escarpments, and determine corrective measures to assure that hazardous conditions are not created.
14. In order to avoid surface disturbance on steep canyon slopes and to preclude the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specifically approved locations.
15. If removal of timber is required for clearing of construction sites, etc., such timber shall be removed in accordance with the regulations of the surface management agency.
16. The coal contained within, and authorized for mining under this lease, shall be extracted only by underground mining methods.
17. Existing Forest Service owned or permitted surface improvements will need to be protected, restored, or replaced to provide for the continuance of current land uses.
18. In order to protect big game wintering areas, elk calving and deer fawning areas, sagegrouse strutting areas, and other critical wildlife habitat and/or activities, specific surface uses outside the mine development area may be curtailed during specific periods of the year.
19. Support facilities, structures, equipment, and similar developments will be removed from the lease area within 2 years after the final termination of use of such facilities. This provision shall apply unless the requirement of Section 10 of the lease form is applicable. Disturbed areas and those areas previously occupied by such facilities will be stabilized and rehabilitated, drainages reestablished, and the areas returned to a premining land use.
20. The lessees at the conclusion of the mining operations, or at other times as surface disturbance related to mining may occur, will replace all damaged, disturbed, or displaced corner monuments (section corners, quarter corners, etc.) their accessories and appendages (witness trees, bearing trees, etc.), or restore them to their original condition and location, or at other locations that meet the requirements of the rectangular surveying system. This work shall be conducted at the expense of the lessee, by a professional land surveyor registered in the State of Utah and to the standards and guidelines found in the manual of surveying instruction, U.S. Department of Interior.

21. The Lessee, his expense will be responsible to replace any surface water identified for protection, that may be lost or adversely affected by mining operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses.

22. The lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the lease. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of Interior, (2) uses of all existing improvements, such as Forest Development Roads, within and outside the area licensed, permitted or leased by the Secretary of Interior, and (3) use and occupancy of the NFS not authorized by a permit/operation plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed to:

Forest Supervisor
Manti-LaSal National Forest
599 West Price River Drive
Price, Utah 84501

Telephone No.: 801-637-2817

who is the authorized representative of the Secretary of Agriculture.

**MANTI- LA SAL NATIONAL FOREST
COAL LEASE
SPECIAL STIPULATIONS**

Federal Regulations 43 CFR 3400 pertaining to Coal Management make provisions for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. All or part of this lease contain lands the surface of which are managed by the United States Department of Agriculture, Forest Service, Manti-La Sal National Forest.

The following stipulations pertain to the Lessee responsibility for mining operations on the lease area and on adjacent areas as may be specifically designated on National Forest System lands.

Forest Service Stipulation #1

Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the Lessee may be required to conduct a cultural resource inventory and a paleontological appraisal of the areas to be disturbed. These studies shall be conducted by qualified professional cultural resource specialists or qualified paleontologists, as appropriate, and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural or paleontological resources.

If cultural resources or paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the Lessee prior to disturbance shall immediately bring them to the attention of the appropriate authority. Paleontological remains of significant scientific interest do not include leaves, ferns or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #2

If there is reason to believe that Threatened or Endangered (T&E) species of plants or animals, or migratory bird species of high Federal interest occur in the area, the Lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #3

The Lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data are adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the interrelationship of the geology, topography, surface and ground water hydrology, vegetation and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

Forest Service Stipulation #4

Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

Forest Service Stipulation #5

The limited area available for mine facilities at the coal outcrop, steep topography, adverse winter weather, and physical limitations on the size and design of access roads, are factors which will determine the ultimate size of the surface area utilized for the mine. A site-specific environmental analysis will be prepared for each new mine site development and for major improvements to existing developments to examine alternatives and mitigate conflicts.

Forest Service Stipulation #6

Consideration will be given to site selection to reduce adverse visual impacts. Where alternative sites are available, and each alternative is technically feasible, the alternative involving the least damage to the scenery and other resources shall be selected. Permanent structures and facilities will be designed, and screening techniques employed to reduce visual impacts and, where possible, achieve a final landscape compatible with the natural surroundings. The creation of unusual, objectionable, or unnatural landforms and vegetative landscape features will be avoided.

Forest Service Stipulation #7

The Lessee shall be required to establish a monitoring system to locate, measure and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

Forest Service Stipulation #8

The Lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal handling and storage facilities. On Forest Development Roads (FDR), Lessees may perform their share of road maintenance by a commensurate share agreement if a significant degree of traffic is generated that is not related to their activities.

Forest Service Stipulation #9

Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to

existing surface structures, and (3) damage or alter the flow of perennial streams. The Lessee shall provide specific measures for the protection of escarpments, and determine corrective measures to assure that hazardous conditions are not created.

Forest Service Stipulation #10

In order to avoid surface disturbance on steep canyon slopes and to preclude the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specific approved locations.

Forest Service Stipulation #11

If removal of timber is required for clearing of construction sites, etc., such timber shall be removed in accordance with the regulations of the surface management agency.

Forest Service Stipulation #12

The coal contained within, and authorized for mining under this lease shall be extracted only by underground mining methods.

Forest Service Stipulation #13

Existing Forest Service owned or permitted surface improvements will need to be protected, restored, or replaced to provide for the continuance of current land uses.

Forest Service Stipulation #14

In order to protect big-game wintering areas, elk calving and deer fawning areas, sagegrouse strutting areas, and other key wildlife habitat and/or activities, specific surface uses outside the mine development area may be curtailed during specified periods of the year.

Forest Service Stipulation #15

Support facilities, structures, equipment, and similar developments will be removed from the lease area within two years after the final termination of use of such facilities. This provision shall apply unless the requirement of Section 10 of the lease form is applicable. Disturbed areas and those areas previously occupied by such facilities will be stabilized and rehabilitated, drainages re-established, and the areas returned to a premining land use.

Forest Service Stipulation #16

The Lessee, at the conclusion of the mining operation, or at other times as surface disturbance related to mining may occur, will replace all damaged, disturbed or displaced corner monuments (section corners, 1/4 corners, etc.), their accessories and appendages (witness trees, bearing trees, etc.), or restore them to their original condition and location, or at other locations that meet the requirements of the rectangular surveying system. This work shall be conducted at the expense of the Lessee, by a professional land surveyor registered in the State of Utah, and to the standards and guidelines found in the Manual of Surveying Instructions, United States Department of the Interior.

Forest Service Stipulation #17

The Lessees, at their expense, will be responsible to replace any surface and/or developed groundwater sources identified for protection, that may be lost or adversely affected by mining

operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses (authorized by 36 CFR 251).

Forest Service Stipulation #18

STIPULATION FOR LANDS OF THE NATIONAL FOREST SYSTEM UNDER JURISDICTION OF THE DEPARTMENT OF AGRICULTURE

The licensee/permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the license/permit/lease. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of Interior, (2) uses of all existing improvements, such as Forest Development Roads, within and outside the area licensed, permitted or leased by the Secretary of Interior, and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior.

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Forest Supervisor
Manti-La Sal National Forest
599 West Price River Drive
Price, Utah 84501

Telephone Number: 801-637-2817

who is the authorized representative of the Secretary of Agriculture

Signature
Licensee/Permittee/Lessee

Stipulation #19

ABANDONMENT OF EQUIPMENT:

The lessee/operator is responsible for compliance and reporting regarding toxic and hazardous material and substances under Federal Law and all associated amendments and regulations for the handling of such materials on the land surface and in underground mine workings.

The lessee/operator must remove mine equipment and materials not needed for continued operations, roof support and mine safety from underground workings prior to abandonment of mine sections. Exceptions can be approved by the Authorized Officer (BLM) in consultation with the surface management agency. Any on-site disposal of non-coal waste must comply with

30 CFR § 817.89 and must be approved by the regulatory authority responsible for the enforcement of the Surface Mining Control and Reclamation Act (30 U.S.C. 1201, et seq.). Creation of a situation that would prevent removal of such material and equipment by retreat or abandonment of mine sections, without prior authorization would be considered noncompliance with lease terms and conditions and subject to appropriate penalties under the lease.

All safe and accessible areas shall be inspected prior to being sealed. The lessee shall notify the Authorized Officer in writing 30 days prior to the sealing of any areas in the mine and state the reason for closure. Prior to seals being put into place, the lessee shall inspect the area and certify through documentation any equipment/machinery, hazardous substances, and used oil that is intended to be left underground. The Authorized Officer may participate in this inspection. The purpose of this inspection will be: (1) to provide documentation for compliance with 42 U.S.C. 9620 section 120 (h) and State Management Rule R-315-15, and to assure that certification will be meaningful at the time of lease relinquishment, (2) to document the inspection with a mine map showing location of equipment/machinery (model, type of fluid, amount remaining, batteries, etc.) that is proposed to be left underground. In addition, these items will be photographed at the lessee's expense and shall be submitted to the Authorized Officer as part of the certification.

WASTE CERTIFICATION:

The lessee shall provide on a yearly basis and prior to lease relinquishment, certification to the lessor that, based upon a complete search of all the operator's records for the mine and upon their knowledge of past operations, there has been no hazardous substances defined as per (40 CFR 302.4) or used oil as per Utah State Management Rule R-315-15, deposited within the lease, either on the surface or underground, or that all remedial action necessary has been taken to protect human health and the environment with respect to any such substances remaining on the property. The back-up documentation to be provided shall be described by the lessor prior to the first certification and shall include all documentation applicable to the Emergency Planning and Community Right-to-know Act (EPCRA, Public Law 99-499), Title III of the Superfund Amendments and Reauthorization Act of 1986 or equivalent.

DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT

FOR THE READJUSTMENT OF
FEDERAL COAL LEASE U-61048

PRICE RANGER DISTRICT
MANTI-LA SAL NATIONAL FOREST
EMERY COUNTY, UTAH

The Bureau of Land Management (BLM) has notified the Forest Service that Federal Coal Lease U-61048 is subject to a readjustment of terms and conditions on February 8, 1993. Pursuant to established procedures, the BLM has requested that the Forest Service conduct an environmental analysis and determine appropriate stipulations since the lease lands are within the administrative boundary of the Manti-La Sal National Forest. This lease is held by Intermountain Power Agency and is located on Gentry Mountain about 4 miles southwest of Hiawatha, Utah (see attached maps).

Based on a December 10, 1982, environmental assessment (EA), Federal Coal Lease SL-025431 was readjusted on February 8, 1983. In 1986 United States Fuel Company (U.S. Fuels) assigned a portion of the lease to Intermountain Power Agency (IPA) creating a new lease: U-61048. U.S. Fuels sold the private surface lands contained in lease U-61058 to IPA.

Coal leasing and development are done under the authority of the following actions: the Mineral Leasing Act of 1920, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; the Multiple Minerals Development Act of 1977; the National Environmental Policy Act of 1969 (NEPA); the Federal Coal Leasing Amendments Act of 1976, as amended; regulations: Title 43 CFR Group 3400 and Title 30 CFR Group 700; and the Manti-La Sal National Forest Land and Resource Management Plan and Final Environmental Impact Statement (Forest Plan and FEIS), 1986.

Pursuant to the National Environmental Policy Act of 1969, a Forest Service Interdisciplinary Team has evaluated the proposal through project scoping. No new, unmitigated issues have been identified that have not been adequately covered by previous NEPA documentation. Documentation received during project scoping from IPA states that they would prefer not to have the Forest Service special stipulations applied to their private surface lands within the subject lease (see attached letter).

Based on public scoping analysis, authorizing actions and evaluation described in the 1982 EA, it is my decision to consent to the readjustment of Federal Coal Lease U-61048 subject to the application of the attached special stipulations for those lands within the lease having federal surface ownership. This provides the best mitigation of anticipated impacts and protection of federal surface resources under existing legislation and Forest Service policy, management decisions, and direction. This alternative includes the incorporation of appropriate Forest Service Special Stipulations from Appendix B (pages B-2 through B-4 and B-8) of the Forest Plan, which were adopted in 1986 through the forest planning process.

The stipulations specified in the Forest Plan are virtually the same as those already incorporated in the lease. The wording has been changed to maintain consistency with the Forest Plan. Four stipulations have, however, been added as follows:

The Department of Agriculture Stipulation is required on all leases which encompass National Forest System lands.

Forest Service Stipulation #6 addressing visual impacts has been added due to the Partial Retention Visual Quality Objective defined in the Forest Plan.

Forest Service Stipulation #11 has been added to inform the lease holder that he will be financially accountable for any merchantable timber cut on the lease.

Forest Service Stipulation #17 has been added to provide mitigation of adverse affects to protected water sources. This is consistent with the issues identified in the referenced EA and the provisions of the approved mining permit.

The potential impacts of applying the Forest Service Special Lease Stipulations to only National Forest System Lands within the lease would be essentially the same as addressed in the referenced EA under Alternative 2. Mining on the non-Federal lands would be subject to the Federal Coal Mining Regulations and Utah Coal Rules. This provides a level of resource protection similar to that in the Forest Service Special Stipulations.

The no action alternative was also evaluated, but considered to be nonviable because it does not provide the best mitigation of anticipated impacts nor is it consistent with the Forest Plan. Copies of the 1982 EA and other pertinent documents are available for review at the Price Ranger District and Forest Supervisor's offices in Price, Utah.

This is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was based on the consideration of a number of factors that are discussed in detail in the referenced EA. The primary considerations are as follows:

1. No new surface-disturbing operations or facilities are proposed. If any are proposed in the future, a site-specific environmental analysis will be completed at that time. Additional stipulations may be specified as needed to protect the environment.
2. The identified impacts from mining of the lease can be effectively mitigated to an acceptable level. The cumulative impacts are expected to be within the threshold levels established by the Forest Plan and FEIS.
3. No known prime or unique farmlands, wetlands, timber lands, or rangelands; alluvial valley floors; cultural or significant paleontological resources; nor threatened, endangered, or sensitive floral or faunal species will be impacted by mining from this lease. No significant impacts to flood plains are anticipated.
4. Readjustment of this lease is consistent with the directions and decisions of the Forest Plan and FEIS.

5. This lease is not currently part of a Surface Mining Control and Reclamation Act (SMCRA) permit area.
6. Coal leasing, exploration, and development are and have historically been an integral part of the local economy and lifestyle.

Federal Coal Lease U-61048 should be readjusted by the Bureau of Land Management to include the Forest Service Special Stipulations for the Federal surface lands within the lease. The Forest Service consent decision can be implemented by the Bureau of Land Management after the 45-day appeal period.

This decision is subject to administrative review in accordance with 36 CFR 217. Any appeal of this decision must include the information required by 36 CFR 217.9 (Content of Notice of Appeal), including the reasons for appeal. Two (2) copies of the Notice of Appeal must be filed with the Chief, USDA Forest Service, P.O. Box 96090, Washington DC 20090-6090, within 45 days of the date of publication of the Notice of Decision in the Ogden Standard Examiner. This decision is also subject to administrative review in accordance with 36 CFR 251, as is the case of decisions regarding written instruments authorizing occupancy and use of National Forest System lands. Any appeal of this decision must include the information required by 36 CFR 251.90 (Content of Notice of Appeal), including the reasons for appeal and must be filed with the Chief, USDA Forest Service, P.O. Box 96090, Washington DC 20090-6090, within 45 days of the date of this decision. A copy of the Notice of Appeal must be filed simultaneously with the Regional Forester, Intermountain Region, Federal Building, 324 25th Street, Ogden, Utah 84401. If you qualify under 36 CFR 251, you can elect which process to use for obtaining review of the decision, but in so doing you thereby forfeit all right to appeal the same decision under the other review process.

The responsible official is the Regional Forester. If you would like further information concerning this decision, contact the District Ranger, Price Ranger District, 599 West Price River Drive, Price, Utah 84501.

for ER Reynolds
Gray F. Reynolds
Regional Forester
Federal Building
324 25th Street
Ogden, Utah 84401

2-5-92
Date

Department of Water and Power



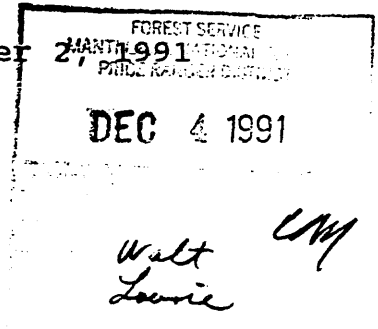
the City of Los Angeles

TOM BRADLEY
Mayor

Commission
MICHAEL J. GAGE, *President*
RICK J. CARUSO, *Vice President*
ANGEL M. ECHEVARRIA
DOROTHY GREEN
MARY D. NICHOLS
JUDITH K. DAVISON, *Secretary*

DANIEL W. WATERS, *General Manager and Chief Engineer*
ELDON A. COTTON, *Assistant General Manager - Power*
JAMES F. WICKSER, *Assistant General Manager - Water*
NORMAN L. BUEHRING, *Assistant General Manager - External Affairs*
NORMAN J. POWERS, *Chief Financial Officer*

December 27, 1991



Mr. Charles J. Jankiewicz
District Ranger
Manti-LaSal National Forest
Price Ranger District
599 West Price River Drive
Price, Utah 84501

Dear Mr. Jankiewicz:

Intermountain Power Agency
Readjustment of Federal Coal Lease No. U-61048
Special Stipulations on
Forest Service-Managed Lands

This letter confirms the telephone conversation between Messrs. Walter Nowak and William W. Engels on November 20, 1991, concerning the above topic. The Los Angeles Department of Water and Power, in the capacity of Operating Agent for the Intermountain Power Agency (IPA), has decided not to apply the seventeen (17) Forest Service Stipulations identified in the November 20, 1991, letter to the surface lands leased or owned by IPA.

If you have any questions or comments, please call Mr. David W. Anderson at (213) 481-6019 or Mr. William W. Engels at (213) 481-4982.

Sincerely,

Michael J. Nosanov
MICHAEL J. NOSANOV
Coal Supply Manager

c: Mr. David W. Anderson
Mr. William W. Engels

Water and Power Conservation... a way of life

R.3.E.

R.4.E.

R.5.E.

R.6.F.

R.7.E.

T.10.S.

T.10.S.

T.11.S.

T.11.S.

T.12.S.

R.8.E.

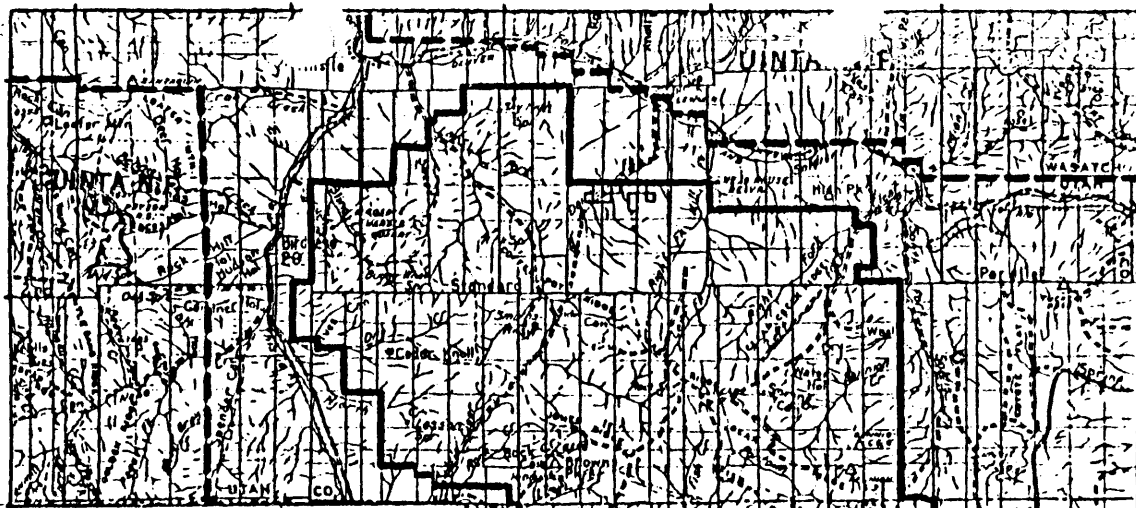
T.12.S.

T.13.S.

T.14.S.

T.15.S.

T.16.S.



MANTI-LASAL NATIONAL FOREST

MANTI DIVISION

UTAH

SALT LAKE MERIDIAN

1939*

SCALE



LEGEND

- NATIONAL FOREST BOUNDARY
- ADJACENT NATIONAL FOREST BOUNDARY
- MAIN MOTOR HIGHWAY
- GOOD MOTOR ROAD
- POOR MOTOR ROAD
- TRAIL
- RAILROAD
- TELEPHONE LINE
- SUPERVISOR'S HEADQUARTERS
- DISTRICT RANGER STATION
- GUARD OR RANGER STATION NOT PERMANENTLY OCCUPIED
- TRIANGULATION STATION
- FOREST SERVICE MONUMENT
- HOUSE, CABIN OR OTHER BUILDING
- MINE OR QUARRY
- ELECTRIC POWER STATION

FEDERAL COAL LEASES
SL-025431 & U-61048
PROPOSED READJUSTMENTS

MAP 1

PROJECT AREA →





MAP 2

SPECIAL STIPULATIONS

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UNDER JURISDICTION OF
THE DEPARTMENT OF AGRICULTURE

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All matters related to this stipulation are to be addressed

to Forest Supervisor
 Manti-LaSal National Forest
 599 West Price River Drive
 Price, Utah 84501

Telephone No.: 801-637-2817

who is the authorized representative of the Secretary of Agriculture.

Signature of Licensee/Permittee/Lessee

RECORD OF CATEGORICAL EXCLUSION (CX) DETERMINATIONEA Log No. UT-066-92-31X

Lease or

Serial No. U-61048Project Coal Lease ReadjustmentApplicant Intermountain Power Agency (IPA) Project T. 16 S., R. 8 E.,
Location Secs. 6 & 7, SLB&MAddress Los Angeles, CA County Emery, UtahBLM Office Price River Resource Area Phone No. (801) 637-4584CX Number from 516 DM 2, App. 1 (5/11/84) or 516 DM 6, App. 5.4 (9/26/83) From 516 DM 6 Appendix 5.4
(9/26/83)Description of the Proposed Action: Redjustment of Federal coal lease U-61048,Intermountain Power Agency (IPA), Private and Forest ServiceSUMMARY OF FINDINGS

The proposed action is categorically excluded from environmental assessment (EA) or environmental impact statement (EIS) preparation under 516 DM 6, Appendix 2 or Appendix 5. The proposed action has been reviewed against the ten criteria for an exception to a categorical exclusion (CX), as identified in 516 DM 2.3 A(3). The proposed action does not fall under any exception and is therefore categorically excluded from further assessment.

DOCUMENTATION OF CX EXCEPTIONS

The proposed action would not create adverse environmental effects under the CX exceptions, unless as noted. The proposed action may:

Yes	No	CX Exception
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Have significant adverse effects on public health or safety.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Have highly controversial environmental effects.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.

Continued on reverse side

Yes No CX Exception

- ☐ ☒ 7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
- ☐ ☒ 8. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species.
- ☐ ☒ 9. Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.
- ☐ ☒ 10. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

DOCUMENTATION OF RECOMMENDED MITIGATION

For any item checked "Yes," can the impacts be substantially relieved by the mitigating measures proposed by the applicant or by the BLM? If not, the conditions for a CX cannot be met.

<u>Item</u> <u>No.</u>	<u>Can Be</u> <u>Mitigated</u>	<u>Cannot Be</u> <u>Mitigated</u>	<u>Mitigation Reference</u>
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CX DETERMINATION

The proposed action has been determined to meet the criteria for a CX. The action as mitigated does not fall under any of the exceptions to a CX.

Mark E. Bailey
Prepared By

Area Manager
Title

9-10-92
Date

Sec. 15 SPECIAL STIPULATIONS -

The following stipulations made part of this lease may be waived or amended with the mutual consent of the lessor and lessee.

1. In accordance with Sec. 523(b) of the "Surface Mining Control and Reclamation Act of 1977," surface mining and reclamation operations conducted on this lease are to conform with the requirements of this act and are subject to compliance with Office of Surface Mining regulations, or as applicable, a Utah program equivalent approved under cooperative agreement in accordance with Sec. 523(c). The United States Government does not warrant that the entire tract will be susceptible to mining.

2. The permitting of any mining operations on the lease will be subject to the possible designation of any portion of the lease as unsuitable for some or all kinds of surface mining under the regulations of the Department under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) in effect at the time of action on the mine plan permit.

3. Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the lessee may be required to conduct a cultural resource inventory of the areas to be disturbed. These studies shall be conducted by a qualified, professional, cultural resource specialist and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural resources.

If significant cultural resources are discovered during operations under this lease, the lessee shall immediately bring them to the attention of the authorized officer who shall evaluate, or have evaluated, such discoveries and, within 5 working days, shall notify the lessee what action shall be taken with respect to such discoveries.

The cost of conducting the inventory, preparing reports, and carrying out necessary protective mitigating measures shall be borne by the lessee.

4. Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the lessee may be required to conduct a paleontological appraisal of the areas to be disturbed. The appraisal shall be conducted by qualified paleontologists and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified paleontological resources.

If paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the lessee shall immediately bring them to the attention of the authorized officer who shall evaluate, or have evaluated, such discoveries and, within 5 working days, shall notify the lessee what action shall be taken with respect to such discoveries. Paleontological remains of significant scientific interest do not include leaves, ferns, or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out necessary protective mitigating measures shall be borne by the lessee. The cost of salvage of paleontological remains (fossils) shall be borne by the United States.

5. If there is reason to believe that threatened or endangered (T&E) species of plants, animals, or migratory species of high federal interest occur in the area, the lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. A listing of migratory birds of high federal interest in federal coal-producing regions is published by the Fish and Wildlife Service, Migratory Bird Management Office, Washington, D.C. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports, and carrying out necessary protective mitigating measures shall be borne by the lessee.

6. The lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data is adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the inter-relationship of the geology, topography, surface hydrology, vegetation, and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

7. Powerlines on the lease area used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

8. The lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal-handling and storage facilities on the lease area. The migration of road surfacing and subsurface materials into streams and water courses shall be prevented.

9. The lessee shall be required to establish a monitoring system to locate, measure, and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of changeover time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

10. Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: 1) cause the creation of hazardous conditions, such as potential escarpment failure and landslides, 2) cause damage to existing surface structures, and 3) damage or alter the flow of perennial streams.

11. In order to avoid surface disturbance on steep canyon slopes and to satisfy the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specifically approved locations.

12. Support facilities, structures, equipment, and similar developments will be removed from the lease area within 2 years after the final termination of use of such facilities. This provision shall apply unless the requirement of Section 10 of the lease form is applicable. Disturbed areas and those areas occupied by such facilities will be stabilized and rehabilitated, drainages reestablished, and the areas returned to a premining land use.

3487
(UT-942)

D. Willis
10-7-92

OCT 7 1992

Memorandum

To: Chief, Branch of Solid Minerals and Mining Law
From: Chief, Minerals Adjudication Section
Subject: Logical Mining Unit - Morhland LMU

Attached are five copies of a Logical Mining Unit (LMU) application submitted by Intermountain Power Agency on October 2, 1992.

The LMU application contains a total of 3,904.36 acres which includes 760.00 acres of fee coal leases and 3,144.36 acres included in the following two federal coal leases:

<u>Serial No.</u>	<u>Acres</u>
U-61048	1,108.27
U-61049	2,036.09

The application appears to be complete; however, it is requested that your office review as to whether it contains sufficient data to determine that maximum economic recovery of the federal coal reserves will be achieved by the establishment of the LMU. If so, a copy of the application should be forwarded to the Moab District Office for their recommendations and report as to whether the LMU should be approved.

/s/ ROBERT LOPEZ

Attachment

Copies of LMU Application (5)

DWillis:dab 10/07/92 (MORHLAND.921)



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Utah State Office
324 South State, Suite 301
Salt Lake City, Utah 84111-2303



IN REPLY REFER TO:

3451
(UT-921)
U-61048

June 1, 1992


Memorandum

To: Chief, Minerals Adjudication Section

From: Chief, Branch of Mining Law and Solid Minerals

Subject: Readjustment of Coal Lease U-61048
Intermountain Power Agency

In consideration of the readjustment of Federal coal lease U-61048, we have reviewed the responses from the Forest Service. We concur with their recommendations which include terms and conditions, bonding, and stipulations included in the Forest Service Environmental Assessment. We recommend that the attached Sec. 15 Special Stipulations be used, which embrace the Forest Service stipulations.


ACTING

Attachment
Sec. 15 Special Stipulations

[Faint handwritten notes and stamps at the bottom left of the page]

SEC. 15. SPECIAL STIPULATIONS

1. The Regulatory Authority shall mean the State Regulatory Authority pursuant to a cooperative agreement approved under 30 CFR Part 745 or in the absence of a cooperative agreement, Office of Surface Mining. The Authorized Officer shall mean the State Director, Bureau of Land Management. The Authorized Officer of the Surface Management Agency shall mean the Forest Supervisor, Forest Service. Surface Management Agency for private surface is the Bureau of Land Management. For adjoining private lands with Federal minerals and which primarily involve National Forest Service issues, the Forest Service will have the lead for environmental analysis and, when necessary, documentation in an environmental assessment or environmental impact statement.

2. The Authorized Officers of the Bureau of Land Management, Office of Surface Mining (Regulatory Authority), and the Surface Management Agency (Forest Service) respectively, shall coordinate, as practical, regulation of mining operations and associated activities on the lease area.

3. In accordance with Sec. 523(b) of the "Surface Mining Control and Reclamation Act of 1977," surface mining and reclamation operations conducted on this lease are to conform with the requirements of this Act and are subject to compliance with Office of Surface Mining Regulations, or as applicable, a Utah program equivalent approved under cooperative agreement in accordance with Sec. 523(c). The United States Government does not warrant that the entire tract will be susceptible to mining.

4. Federal Regulations 43 CFR 3400 pertaining to Coal Management make provisions for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. All or part of this lease contain lands the surface of which are managed by the United States Department of Agriculture, Forest Service Manti-LaSal National Forest.

The following stipulations pertain to the lessee responsibility for mining operations on the lease area and on adjacent areas as may be specifically designated on National Forest System lands.

5. Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the lessee may be required to conduct a cultural resource inventory and a paleontological appraisal of the areas to be disturbed. These studies shall be conducted by qualified professional cultural resource specialists or qualified paleontologists, as appropriate, and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural or paleontological resources.

If cultural resources or paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the lessee prior to disturbance shall, immediately bring them to the attention of the appropriate authorities. Paleontological remains of significant scientific interest do not include leaves, ferns, or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the lessee.

6. If there is reason to believe that threatened or endangered (T&E) species of plants or animals, or migratory bird species of high Federal interest occur in the area the lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the lessee.

7. The lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data is adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the inter-relationship of the geology, topography, surface hydrology, vegetation, and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

8. Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

9. The limited area available for mine facilities at the coal outcrop, steep topography, adverse winter weather, and physical limitations on the size and design of the access road, are factors which will determine the ultimate size of the surface area utilized for the mine. A site-specific environmental analysis will be prepared for each new mine site development and for major modifications to existing developments to examine alternatives and mitigate conflicts.

10. Consideration will be given to site-selection to reduce adverse visual impacts. Where alternative sites are available, and each alternative is technically feasible, the alternative involving the least damage to the scenery and other resources shall be selected. Permanent structures and facilities will be designed, and screening

techniques employed, to reduce visual impacts, and where possible achieve a final landscape compatible with the natural surroundings. The creation of unusual, objectionable, or unnatural land forms and vegetative landscape features will be avoided.

11. The lessee shall be required to establish a monitoring system to locate, measure, and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

12. The lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal handling and storage facilities. On Forest Development Roads (FDR), lessees may perform their share of road maintenance by a commensurate share agreement if a significant degree of traffic is generated that is not related to their activities.

13. Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to existing surface structures, and (3) damage or alter the flow of perennial streams. The lessee shall provide specific measures for the protection of escarpments, and determine corrective measures to assure that hazardous conditions are not created.

14. In order to avoid surface disturbance on steep canyon slopes and to preclude the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specifically approved locations.

15. If removal of timber is required for clearing of construction sites, etc., such timber shall be removed in accordance with the regulations of the surface management agency.

16. The coal contained within, and authorized for mining under this lease, shall be extracted only by underground mining methods.

17. Existing Forest Service owned or permitted surface improvements will need to be protected, restored, or replaced to provide for the continuance of current land uses.

18. Support facilities, structures, equipment, and similar developments will be removed from the lease area within 2 years after the final termination of use of such facilities. This provision shall apply unless the requirement of Section 10 of the lease form is applicable. Disturbed areas and those areas previously occupied by such facilities will be stabilized and rehabilitated, drainages reestablished, and the areas returned to a premining land use.

19. The lessees at the conclusion of the mining operations, or at other times as surface disturbance related to mining may occur, will replace all damaged, disturbed, or displaced corner monuments (section corners, quarter corners, etc.) their accessories and appendages (witness trees, bearing trees, etc), or return them to their original condition and location, or at other locations that meet the requirements of the rectangular surveying system. This work shall be conducted at the expense of the lessee, by a professional land surveyor registered in the State of Utah and to the standards and guidelines found in the manual of surveying instruction, U.S. Department of Interior.

20. The lessee at his expense will be responsible to replace any surface water identified for protection, that may be lost or adversely affected by mining operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses.

21. The lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the lease. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of Interior, (2) uses of all existing improvements, such as Forest Development Roads, within and outside the area licensed, permitted or leased by the Secretary of Interior, and (3) use and occupancy of the NFS not authorized by a permit/operation plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed to:

Forest Supervisor
Manti-LaSal National Forest
599 West Price River Drive
Price, Utah 84501

Telephone No.: 801-637-2817

who is the authorized representative of the Secretary of Agriculture.

FINDING OF NO SIGNIFICANT IMPACT/DECISION NOTICE

Coal Lease Readjustment - SL-025431
Manti-LaSal National Forest
Carbon and Emery Counties, Utah

On February 8, 1983, Lease SL-025431 will become subject to readjustment according to Federal coal leasing regulations (43 CFR Part 3400). It is our decision to recommend readjustment of the lease subject to the mitigating measures specified in the accompanying environmental assessment.

The subject lease is located within the Manti-LaSal National Forest.

A Forest Service ID Team has evaluated the proposed action and an environmental assessment has been prepared in consultation with the Bureau of Land Management. Copies of the environmental assessment and other pertinent documents are on file and available for review at the following locations:

Manti-LaSal National Forest
Price Ranger District
10 North Carbon Avenue
Price, Utah 84501

Bureau of Land Management
Price River Resource Area
900 North 700 East
Price, Utah 84501

Since this action involves an active coal mining operation, the only alternatives considered were (1) No Action - continuing production under current lease terms, and (2) Proposed Action - modifying lease terms to bring the lease in conformance with current leasing regulations.

Pursuant to the National Environmental Policy Act of 1969, a determination has been made through the environmental assessment process that the proposed action will not create any significant impacts to the human environment. An environmental statement will, therefore, not be required. This determination was based on consideration of a number of factors that are discussed in greater detail in the environmental assessment. The primary considerations are as follows:

1. The proposed lease readjustment will not be a major Federal action.
2. The proposed action can be implemented within the management guidelines and directives specified in the Manti-LaSal National Forest, Ferron-Price Land Management Plan, and the Price River Management Framework Plan (BLM).
3. Readjustment of lease SL-025431 in itself would not irreversibly or irretreivably commit any resources.
4. Coal leasing, exploration, and development is and has historically been an integral part of the local economy and lifestyle. Public comments have, therefore, not been solicited or received.

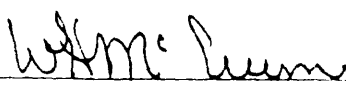
5. No known threatened or endangered plant or animal species will be disturbed by this project.

6. Wetlands and floodplains are present only to the extent that they exist along ephemeral channels and will not be significantly affected by this action.

7. Implementation of this action may take place immediately upon approval.

8. Any future surface disturbing activity will be handled through a site-specific environmental assessment.

This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19.



for Regional Forester

DEC 10 1982

Date

ENVIRONMENTAL ASSESSMENT
READJUSTMENT OF FEDERAL COAL LEASE SL-025431
MANTI-LASAL NATIONAL FOREST
PRICE RANGER DISTRICT

Prepared by: Jeffrey Gavin, Geologist

Approval recommend by:

Don W. Hatch
District Ranger

Date:

11/10/82

Approved by:

Reed C. Chambers
Forest Supervisor

Date:

11/19/82

I. INTRODUCTION

A. Purpose and Need for Action

All Federal coal leases issued prior to August 4, 1976, are subject to readjustment at the end of their 20-year term and every 10 years thereafter. Lease SL-025431 was first issued to U.S. Fuels Company in 1923. The primary purposes of a lease readjustment are:

1. To update the lease terms for annual rental fees, production royalties, bonds, and environmental protection.
2. To insure that each lease is reviewed subject to the Federal Lands Unsuitability Criteria.
3. To insure that the lease terms conform to the provisions of the Federal Coal Leasing Amendments Act of 1976.

Federal laws and regulations require the concurrence of the surface managing agency, that is in this case, the U.S. Forest Service, to provide input for this readjustment, and all other leasing actions affecting National Forest Lands. This lease lies totally within the Manti-LaSal National Forest, therefore, the Forest Service is responsible for preparing a document assessing the environment and implementing environmental protective stipulations.

The NEPA process and an environmental assessment are utilized to establish recommendations and environmental protection requirements which are to be included in the readjusted lease terms.

1. Authorizing Actions

Readjustment of Lease SL-025431 will take place under the authority of the following authorizing actions: The Mineral Leasing Act of February 25, 1920, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; the Surface Mining Control and Reclamation Act (SMCRA) of 1977; the Multiple Minerals Development Act of August 13, 1954; the Department of Energy Organization Act of August 4, 1977; the National Environmental Policy Act (NEPA) of 1969; the Federal Coal Leasing Amendments Act of 1976, as amended; the Act of October 30, 1978 that further amended the Mineral Leasing Act of 1920; and regulations: Title 43 CFR Subpart 3041, Part 3400, Part 2800 and Title 30 Part 211, Part 700; Ferron-Price Land Management Plan and Environmental Statement, 1979.

2. Relationship to Land-Use Planning and Unsuitability Criteria

Lease SL-025431 is located within the Gentry Mountain Management Unit No. A-2, of the Ferron-Price Land Management Planning Unit. Management decisions and guidelines for this unit and all "coal lands" are specified in the "Land Management Plan, Ferron-Price Planning, Unit, Manti-LaSal National Forest." Readjustment and development of lease SL-025431 is compatible with all pertinent management guidelines specified for Management Unit A-2 and for "coal lands" in general.

As required by the Surface Mining Control and Reclamation Act of 1977 and subsequent legislation, the Federal Land Unsuitability Criteria were applied to the "A" Coal Lands area of the Ferron-Price Planning Unit as a part of the Environmental Statement and Land Management Planning process. A review of the Unsuitability Criteria and their application to the Ferron-Price Planning Unit indicates there are no Unsuitability Criteria which apply to this lease.

Upon the effective date of the readjusted lease terms, the Lessee and operator(s) will be required to comply with all new and existing stipulations attached to lease SL-025431. The Lessee and operator(s) must comply with all Federal, State, and local laws, regulations, and policies pertaining to the leasing and development of coal. A complete listing of Federal laws affecting coal leasing and development is presented in the "Final Environmental Statement: Federal Coal Management Program" (pp. 1-15 through 1-23). Additional environmental assessments will be required to evaluate any future surface disturbing activity related to exploration or development of this lease.

B. Issues, Concerns and Opportunities

Concerns

1. The Forest Service ID Team has identified a concern for possible impacts to groundwater and surface water as a result of subsidence.
2. There is a concern over possible slumping of the escarpment along the eastern boundary of the lease where canyons intersect the lease boundary.

Opportunity

1. There is an opportunity for the Forest Service to develop management requirements to protect existing resources and monitor future impacts that could result from subsidence.

C. Negative Declaration

Readjustment and subsequent development of lease SL-025431 will not affect any identified prime range, farm or timber lands; wetlands; alluvial valley floors; cultural or historical resources; threatened or endangered plant and animal species; or RARE II Wilderness Study areas. Future specific surface disturbing activities will be evaluated to identify any potential impacts to these values.

Although there are no designated floodplains on the Manti-LaSal National Forest, by definition (FSM 2520 ID No. 10) all ephemeral and perennial stream channels include floodplains. Proper management requirements and design features incorporated into future activities can mitigate any impacts to floodplains to levels within the guidelines specified by Executive Order 11988 and FSM 2527.

D. Lease Background

Coal Lease SL-025431, consisting of 2,370.26 acres is all within National Forest lands.

According to U.S. Fuel (lessee), two seams, the "B" seam and Hiawatha seam are now being mined. The "B" seam is mined from the King 5 and the Hiawatha from the King 6 portal. Mining is being done by the room and pillar method.¹

The coal within the Hiawatha seam is the most important, due to abundance and uniformity of seam thickness.

Average rating for the Hiawatha seam in the lease area is as follows:

Moisture	5.6%
Volatile Matter	42.3%
Fixed Carbon	45.7%
Ash	6.2%
Sulphur	.61%
BTU/lb	12.719

Current mining figures for the two seams show a total production of about 348,000 ton of coal per year from Federal Coal Lease SL-025431.

II. ALTERNATIVE INCLUDING THE PROPOSED ACTION

A. Alternative One - "No Action"

Consideration of the "No Action" alternative is required by the National Environmental Policy Act of 1969 (NEPA) and by CEQ Guidelines listed in the November 29, 1979 Federal Register. The "No Action" alternative in this case would allow Federal lease SL-025431 to continue under it's 1962 terms. Continuation of this lease without an adjustment is not a viable alternative. Federal regulation 43CFR3451.1 mandates readjustment of coal lease terms at specified intervals.

¹Personal communication with Mining Engineer section of U.S. Fuels Company

Failure of the Federal Government to readjust a lease within specified time constraints constitutes a waiver of the right to readjust lease terms. The lessee has been notified that lease SL-025431 will be readjusted (Appendix B).

B. Alternative Two - Proposed Action

1. Description

The proposed action is to readjust the terms of Federal coal lease SL-025431 to comply with current Federal regulations and Forest Service Land Management requirements. This action will require a general assessment of the effects of development of the coal reserves within the subject lease. As a result of this assessment, surface management stipulations developed for inclusion in the lease terms are attached in Appendix "A".

Lease SL-025431 is located on Gentry Mountain west and south of the town of Hiawatha. The legal description is as follows:

T15S,R7E Sec. 36 S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
 T15S,R8E Sec. 31 Lots 1-4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$
 T16S,R7E Sec. 1 E $\frac{1}{2}$ E $\frac{1}{2}$
 Sec. 12 E $\frac{1}{2}$ NE $\frac{1}{4}$
 T16S,R8E Sec. 5 lots 1, 5, 8 & 12
 Sec. 6 lots 1-14, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Sec. 7 lots 1 & 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Sec. 8 SW $\frac{1}{4}$ SW $\frac{1}{4}$

SLM, Carbon and Emery Counties, Utah

Figure One (p. 4a) shows the lease and the surrounding area in general. Figure Two (P. 4b) indicates a detailed map location for lease SL-025431.

2. Management Requirements

The readjusted terms of Lease SL-025431 will include the 14 standard coal lease stipulations (see Appendix A). Implementation of these stipulations should adequately resolve the Issues and Concerns identified in this document.

III. DESCRIPTION OF EXISTING ENVIRONMENT-AFFECTED ENVIRONMENT

The existing and affected environment of the lease and surrounding areas have been described generally in the following documents: "Final Environmental Statement: Development of Coal Resources in Central Utah"; "Final Environmental Statement: Uinta-Southwestern Utah Coal Region;" "Final Environmental Statement: Ferron-Price Planning Unit, Manti-LaSal National Forest, 1969." Additional information regarding the affected environment is presented in various environmental assessments prepared for other activities in the vicinity of the lease and are all available for review at the Price Ranger District, Price, Utah. The following section of this report describes the environmental factors that are related to the proposed action.

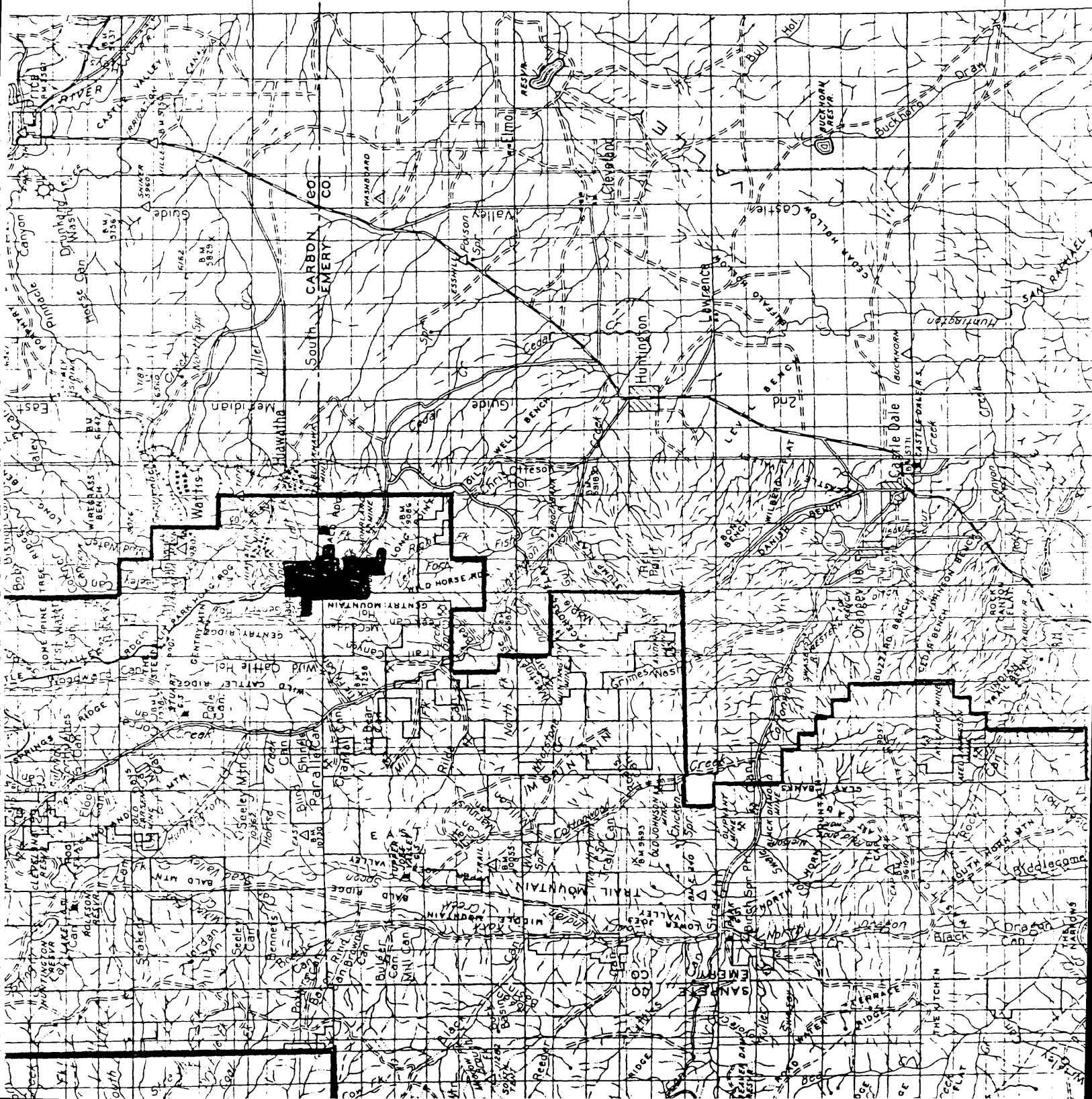
T. 15 S.
General location
of Federal Coal
Lease # SL-02543

T. 10 S.

T.17 S.

T185

T 195

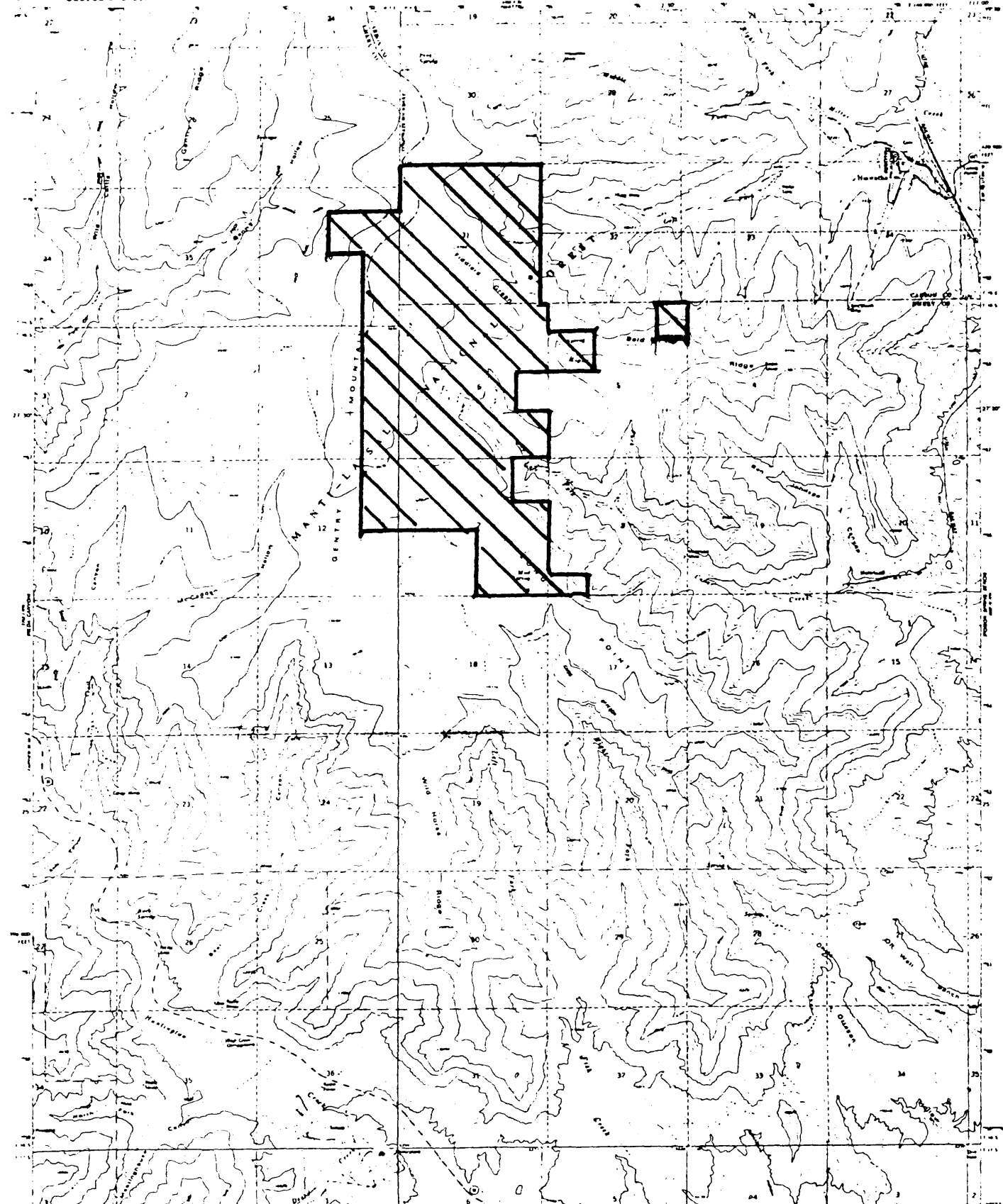


Federal Coal Lease SL-0 31

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

STATE OF UTAH
UTAH GEOLOGICAL AND MINERAL SURVEY

HIAWATHA QUADRANGLE
UTAH
7.5 MINUTE SERIES (TOPOGRAPHIC)



Map was revised, and published by the Geological Survey
Compared to USGS 1:50,000 and U.S. Forest Service
Topographic maps, and other maps and photographs
dated 1970. Contour interval 100 feet. Map dated 1978.
Photoreduced and 10,000-foot grid scale. Map
revisions include: contour lines, 5 and 10-foot contour lines
1000-foot contour interval. Contour lines 100 feet
contour interval. 1977 North American datum.
1:50,000 scale map. 1978. 100,000 scale map. 1978.

1
N

SCALE 1:24,000
CONTOUR INTERVAL, 80 FEET
NATIONAL GEODETIC DATUM OF 1929

ROAD CLASSIFICATION
Primary highway
Light duty road
Secondary highway
Unimproved road
Interstate Road
U.S. Route
State Road



HIAWATHA, UTAH
1:25,000 scale
1978

THIS MAP COMPLETES THE NATIONAL COAL LEASE SURVEY
FOR SALE BY U.S. GEOLOGICAL SURVEY, DOWNS, CO. ORANGE, 92726, OR RESTON, VIRGINIA 20192
A PUBLIC RECORDING, TOPOGRAPHIC MAPS AND PHOTOS ARE AVAILABLE ON REQUEST

1:25,000 scale, 1:50,000 scale, 1:100,000 scale

X

Federal Coal Lease SL-025431 is located on Gentry Mountain, west-southwest of the mining town of Hiawatha. It is part of the Price River and Huntington Canyon drainages. That portion of the lease that is tributary to Huntington Canyon is also tributary to the City of Huntington's municipal water supply when the community is diverting from Huntington Creek. Cedar Creek and the Left Fork of Miller Creek drain most of the lease to the east and Gentry Hollow drains the northwestern portion of the lease.

Groundwater in the lease area, and throughout the District is generally of good quality. The available data on groundwater occurrence is insufficient to draw any definite conclusions. Studies by Vaughn Hansen Associates on other leases in the vicinity indicate groundwater may exist in two regimes. (1) Within the Blackhawk Formation, groundwater is believed to occur in a number of perches aquifers. (2) A regional water table is believed associated with the Star Point Sandstone.²

The lease lies on generally flat topography atop of Gentry Mountain. There are two canyons which cross the lease on the eastern portion. These Canyons are in the youthful stage of erosion and therefore form deep "V" shape canyons. Possible slumping of rock above the coal seam could occur as a result of a breakout or subsidence, which could adversely affect visual and watershed resources.

IV. ENVIRONMENTAL CONSEQUENCES

A. Alternative One - "No Action"

Continuance of this lease under its existing terms would result in royalty and rental rates continuing unchanged from the current rate. At this time coal is being mined from Federal Coal Lease SL-025431, and if terms are not readjusted the U.S. Treasury will possibly lose revenues until the next readjustment period. In addition to possible revenue losses the Forest Service would lose an opportunity to implement surface and resource management requirements which would minimize any disturbance as a result of mining.

B. Alternative Two - Proposed Action

Mining is occurring on Lease SL-025431 at a rate of 348,000 ton/year. If Alternative Two is implemented the mining of coal would not be affected, but the royalties paid to the Federal Treasury could be adjusted to the current royalty rates applicable to coal mined from underground. Implementing Alternative Two would also allow the Forest Service to include surface protection and monitoring stipulations which would protect the existing environment. Since the decision to mine Federal Coal Lease SL-025431 has been made and mining is continuing at this time, there will be no new major effects of subsidence as a result of implementing the proposed action. However, with a monitoring plan the Forest Service will have an opportunity to study the short-term and long-term effects of coal mining in the lease area.

² Environmental Assessment Readjustment of Federal Coal Lease U-026583 - 058261 Gentry Mountain.

Relationship of Short-Term Use and Long-Term Productivity

Most of the long-term effects from production result from surface facilities such as portals, conveyers, powerplants, etc., which are all located off the lease area. The long-term effect on the coal resource will be consumption of a non-renewable resource which will not be available for future generations.

Irreversible and/or Irretrievable Commitment of Resources

1. The major commitment of resources will be the energy used to mine coal and consumption of the coal. This use will be an irretrievable commitment of resources. This coal will be unavailable for other uses once consumed.
2. Those aquifers that would be disturbed during mining or subsidence could be irreversibly altered.

V. PERSONNEL AND PUBLIC INVOLVEMENT

A. Forest Service ID Team

Jeffrey Gavin	Geologist
Ira Hatch	District Ranger
Walt Nowak	District Geologist

B. Public Contacts

Bureau of Land Management

VI. REFERENCES CITED

Doelling, H.H., et al, 1972, Central Utah Coal Fields: Sevier - Sanpete, Wasatch Plateau, Book Cliffs and Emery, UGMS.

USDA - Forest Service, Land Management Plan, Ferron-Price Planning Unit Manti-LaSal National Forest, May, 1979.

VII. APPENDICES

- A. Standard Coal Lease Stipulations.
- B. BLM submittal letter to USFS.

APPENDIX A

MANAGEMENT REQUIREMENTS STANDARD COAL LEASE STIPULATIONS

STIPULATION 1

The coal contained within the lease area and authorized for mining under this lease shall be extracted only by underground mining methods.

STIPULATION 2

All support facilities, structures, equipment, and similar developments will be removed from the lease area within two years after the final termination of use of such facilities. All disturbed areas and those areas occupied by such facilities will be rehabilitated in accordance with an approved reclamation plan, 30 CFR 211 and the "Surface Mining Control and Reclamation Act of 1977" or approved Utah program as applicable.

STIPULATION 3

(a) Before undertaking any activities that may disturb the surface of the leased lands, the Lessee may be required to conduct a cultural resource intensive field inventory in a manner specified by the Regional Director and the Authorized Officer of the surface managing agency on portions of the mine plan area and adjacent areas, or exploration plan area, that may be adversely affected by lease-related activities and which were not previously inventoried at such a level of intensity. The inventory shall be conducted by a qualified professional cultural resource specialist (i.e., archaeologist, historian, or historical architect, as appropriate), approved by the Authorized Officer of the surface managing agency and a report of the inventory and recommendations for protecting any cultural resources identified shall be submitted to the Regional Director (or the District Mining Supervisor if activities are associated with coal exploration outside an approved mining permit area) and the Authorized Officer of the surface managing agency. The Lessee shall undertake measures, in accordance with instructions from the Regional Director (or the District Mining Supervisor if activities are associated with coal exploration outside an approved mining permit area), to protect cultural resources on the leased land. The Lessee shall not commence the surface disturbing activities until permission to proceed is given by the Regional Director or the District Mining Supervisor as appropriate.

(b) The Lessee shall protect all cultural resource properties within the lease area from lease-related activities until the cultural resource mitigation measures can be implemented as part of an approved mining and reclamation plan or exploration plan.

(c) The cost of conducting the inventory, preparing reports, and carrying out mitigation measures shall be borne by the Lessee.

(d) If cultural resources are discovered during operations under this lease, the Lessee shall immediately bring them to the attention of the Regional Director (or the District Mining Supervisor as appropriate), and the Authorized Officer, Surface Management Agency. The Lessee shall not disturb such resources except as may be subsequently authorized by the Regional Director (or the District Mining Supervisor). Within two (2) working days of notification, the Regional Director (or the District Mining Supervisor, as appropriate) will evaluate or have evaluated any cultural resources discovered and will determine if any action may be required to protect or preserve such discoveries.

(e) All cultural resources shall remain under the jurisdiction of the United States until ownership is determined under applicable law.

STIPULATION 4

Before undertaking any activities that may disturb the surface or the leased lands, the Lessee shall contact the Regional Director and Authorized Officer of the Surface Management Agency to determine whether the Lessee will be required to conduct a paleontological appraisal of the mine plan and adjacent areas, or exploration plan areas, that may be adversely affected by lease-related activities. If the Regional Director and Authorized Officer, Surface Management Agency, determines that one is necessary, the paleontological appraisal shall be conducted by a qualified paleontologist approved by the Authorized Officer of the surface management agency, using the published literature and, where appropriate, field appraisals for determining the possible existence of fossils of scientific significance. A report of the appraisal and recommendations for protecting any fossils of significant scientific interest on the leased lands so identified shall be submitted to and approved by the Regional Director and the Authorized Officer, Surface Management Agency. When necessary to protect and/or collect the fossils of significant scientific interest on the leased lands, the Lessee shall undertake the measures provided in the approval of the mining and reclamation plan or exploration plan.

(a) The Lessee shall not knowingly disturb, alter, destroy, or take any fossils of significant scientific interest, and shall protect all such fossils in conformance with the measures included in the approval of the mining and reclamation plan or exploration plan.

(b) The Lessee shall immediately bring any such fossils that might be altered or destroyed by his operation to the attention of the Regional Director or the District Mining Supervisor, as appropriate. Operations may continue as long as the fossil specimen or specimens would not be seriously damaged or destroyed by the activity. The Regional Director or the District Mining Supervisor, as appropriate, shall evaluate or have evaluated such discoveries brought to his attention and, within five (5) working days, shall notify the Lessee what action shall be taken with respect to such discoveries.

(c) All such fossils of significant scientific interest shall remain under the jurisdiction of the United States until ownership is determined under applicable law. Copies of all paleontological resource data generated as a result of the lease term requirements will be provided to the Regional Director or the District Mining Supervisor, as appropriate.

(d) These conditions apply to all such fossils of significant scientific interest discovered within the lease area whether discovered in the overburden, interburden, or coal seam or seams. Fossils of significant scientific interest do not include those fossils commonly encountered during underground mining operations such as ferns and dinosaur tracks. Skeletal remains shall be considered significant.

STIPULATION 5

The Lessee shall, prior to entry upon the lease, conduct an intensive field inventory for threatened and endangered plant and/or animal species, bald or golden eagles, or migratory species of high Federal interest on those areas to be disturbed and/or impacted including the access routes to the lease area. The inventory shall be conducted by a qualified specialist(s) approved by the Authorized Officer, Surface Management Agency, and a report of the inventory and recommendation for the protection of these species submitted to and approved by the Authorized Officer, Surface Management Agency, and Regional Director or District Mining Supervisor as appropriate. An acceptable report of any findings shall include the specific location, distribution, and habitat requirements of the species. The Lessee shall protect these species within the lease area from any activities associated with operations conducted under the terms of the lease and shall undertake such protective measures as may be required by the Authorized Officer, Surface Management Agency, and Regional Director or District Mining Supervisor as appropriate.

STIPULATION 6

Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to conform with the publication "Suggested Practices for Raptor Protection on Powerlines" (Edison Electric Institute, 1975). When feasible, powerlines will be located at least 100 yards from public roads.

STIPULATION 7

The Lessee shall provide for the suppression and control of fugitive dust on all haul roads, and at coal hauling, transportation, and storage facilities. The migration of road surfacing materials shall be controlled by watering, chemical treatment or hard surfacing. Loss of gravel courses shall be periodically replaced.

STIPULATION 8

In order to avoid surface disturbance on steep canyon slopes and the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specific locations approved by the Regional Director with the concurrence of the Authorized Officer, Surface Management Agency and the District Mining Supervisor.

STIPULATION 9

Prior to mining, the Lessee shall perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. The study will be established in consultation with and approved by the Authorized Officer, Surface Management Agency, the Regional Director, and the District Mining Supervisor and shall be adequate to locate, quantify, and demonstrate the inter-relationship of the geology, topography, surface hydrology, vegetation, and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

STIPULATION 10

The Lessee shall establish a monitoring system to locate, measure, and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology, and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a sufficient number of points over the lease area. The monitoring shall be an extension of the baseline data and shall be conducted by a method approved by the Regional Director in consultation with and concurrence by the Authorized Officer, Surface Management Agency and District Mining Supervisor.

STIPULATION 11

Underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to surface structures, and improvements, and (3) damage or alter the flow of perennial streams. The Lessee in his mining plan shall provide specific measures for the protection of escarpments. The Regional Director in consultation with and concurrence of the District Mining Supervisor and Authorized Officer, Surface Management Agency, shall approved such measures and may prescribe any additional measures to be employed such as mining methods, specify the amount of coal recovered, and determine any corrective measures considered necessary to assure that escarpment failure does not occur except at specifically approved locations, or that hazardous conditions are not created.

STIPULATION 12

Existing surface improvements required for the surface uses of the lease area will need to be protected or maintained to provide for the post-mining continuance of the current land uses. Existing surface improvements whose utility may be lost or damaged as a result of mining activities are to be replaced or restored.

STIPULATION 13

The Lessee shall reclaim all areas disturbed as a result of mining and exploration operations to a land use capable of supporting the premining levels of livestock grazing, big game winter range, and other wildlife habitat.

STIPULATION 14

At the conclusions of the mining operation, or at the request of the Authorized Officer of the Surface Managing Agency, all damaged, disturbed, or displaced land monuments, accessories and appendages shall be replaced or restored in their original location (or at other locations that meet the needs of the land net, and as approved by the Authorized Officer of the Surface Managing Agency) and shall be done at the expense of the Lessee.



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

2820

Reply to:

Date:

MAR 31 1989

Mr. James M. Parker
Utah State Director
Bureau of Land Management
Consolidated Financial Center
324 South State Street
Salt Lake City, UT 84111

Dear Jim:

We recommend that Federal Coal Lease U-61049 be readjusted subject to the stipulations included as Appendix A of the enclosed Environmental Assessment (EA). Our recommendation is based on the enclosed EA which we recommend for your approval and use for this lease readjustment. Our recommendations only apply to the National Forest System lands included in the lease, not the non-Federal surface.

If you have any questions, please contact Steve Robison of our Minerals Staff at (801) 625-5663.

Sincerely,

J. S. Tixier

J. S. TIXIER
Regional Forester

Enclosure

UTAH STATE OFFICE

Rt.	Off.	Init.	Date
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	ASD		
	PAO		
	EEO		
	MR		
	L & R		
	Oper.		
	Admin.		

Action: _____
Info: _____
Discuss: _____



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ENVIRONMENTAL ASSESSMENT
FOR THE READJUSTMENT OF
FEDERAL COAL LEASE U-61049

PRICE RANGER DISTRICT
MANTI-LASAL NATIONAL FOREST
EMERY COUNTY, UTAH

For Further Information Contact:

George Morris
Forest Supervisor
Manti-LaSal National Forest
599 West Price River Dr.
Price, Utah 84501

or:

Ira W. Hatch
District Ranger
Price Ranger District
599 West Price River Dr.
Price, Utah 84501

ENVIRONMENTAL ASSESSMENT
FOR THE READJUSTMENT OF
FEDERAL COAL LEASE U-61049

I. INTRODUCTION

A. Purpose and Need for Action

The Bureau of Land Management (BLM) notified the Forest Service on November 5, 1987, that Federal Coal Lease U-61049, currently leased to Intermountain Power Agency, would be subject to readjustment of terms and conditions on November 1, 1989. As the surface managing agency for most of this lease area, the Manti-LaSal National Forest is responsible for conducting an Environmental Assessment (EA) of the proposed action pursuant to the National Environmental Policy Act (NEPA) of 1969. This EA will address the proposed readjustment and identify management requirements for resource protection of lands within Federal Coal Lease U-61049.

B. Authorizing Actions

Leasing and development will be under the authority of the following authorizing actions: The Mineral Leasing Act of February 25, 1920, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; the Surface Mining Control and Reclamation Act (SMCRA) of 1977; the Multiple Minerals Development Act of August 4, 1977; the Federal Coal Leasing Amendments Act of 1976, as amended; regulations: Title 43 CFR Group 3400, Group 2800, and Title 30 CFR Group 700; and the Manti-LaSal National Forest Land and Resource Management Plan (Forest Plan) and Final Environmental Impact Statement (FEIS), 1986.

C. Land Description

Federal Coal Lease U-61049 is located in Emery County, Utah, within the Manti-LaSal National Forest, Price Ranger District. It lies on Gentry Mountain approximately 3 miles west of Mohrland, Utah (see Figure 1). Except as indicated below, the lease is mostly Federal surface/Federal minerals and is legally described as follows:

T. 16 S., R. 7 E., SLM, Utah

Sec. 1, lot 2, SW/4 NE/4, W/2 SE/4;

Sec. 12, W/2 NE/4, E/2 W/2, SE/4;

Sec. 13, E/2, E/2 W/2.

T. 16 S., R. 8 E., SLM, Utah

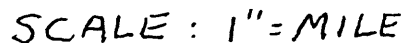
Sec. 7, lots 3 and 4, E/2 SW/4; (all private surface-Federal coal)

Sec. 18, lots 1-4, E/2, E/2 W/2; (all except Lot 4, private surface-Federal coal)

Sec. 19, SW/4 NE/4, NW/4 SE/4;

Sec. 20, SE/4 NW/4, NE/4 SW/4.

Containing 2,036.09 acres



2

D. Background

The coal lands currently encompassed by the subject lease were initially contained within Federal Coal Lease SL-069985 which was issued to United States Fuel Company on November 1, 1949, and originally contained 2,436.9 acres. On September 12, 1958, U.S. Fuels relinquished 80.81 acres in the SE/4 SW/4 Section 1 and the NE/4 NE/4 Section 24, T16S, R7E, SLM, Utah. On October 1, 1986, the BLM approved a partial assignment of all but 320 acres of the leased lands to Intermountain Power Agency. The partial assignment created a new lease containing 2,036.09 acres which the BLM assigned Serial Number U-61049.

E. Mine Development

The coal lands currently within lease U-61049 were originally contained in lease SL-069985 held by U.S. Fuels. Only the "B" Seam (uppermost) has been mined between 1950 and 1979 in the northernmost portion of U-61049. Two other seams (Hiawatha and "A" Seams) are considered to be mineable within the northern portion of the lease but the three seams are thought to merge in the southern portions of U-61049. Under their original mining and reclamation plan application of March, 1981, U.S. Fuels developed a mining scenario for all of the parent lease lands which included room-and-pillar mining methods using the King portals to the east.

Their application was later amended to exclude that portion of SL-069985 assigned as U-61049 to Intermountain Power Agency (I.P.A.), hence the approved permit excludes the subject lease lands. I.P.A. has not yet filed an application for a mining and reclamation plan for the subject lands, but two possible scenarios could be developed according to Bob Eccli, Mine Engineer for U.S. Fuels (personal communication, January 1989). The subject lands could be mined by U.S. Fuels under contract to I.P.A. using King Mine surface facilities to the east or, I.P.A. could mine the subject lease lands from their Mohrland Mine portals to the east. In either case, a new or amended mining permit would be required which would specify future mine development.

F. Issues and Concerns

General public comments were solicited through local newspapers on January 17, 1989. Specific comments on the proposed action were solicited by letter directly to individuals or groups interested in Forest Management (see listing in Section V Part B). Comments were received from the Utah Division of Wildlife Resources (DWR). Issues addressed by DWR have been identified by the Forest Service Interdisciplinary (ID) Team and are stated in item (2) below. DWR's letter to the Forest Service is included in this document as Appendix B. Bill Engles, I.P.A. representative related through personal communications (3/15/89 - to later be followed by letter) that his company would not be interested in the application of Forest Service stipulations to that portion of the lease that was privately owned by IPA.

The Forest Service ID Team identified the following management concerns:

1. Surface disturbing activities and facilities if proposed and approved could adversely affect area resources.
2. Underground mining and subsidence could adversely affect surface and ground water, soils, vegetation, and wildlife.

G. Negative Declaration

The ID Team determined that this action, after mitigation, would cause no impacts on the following: prime or unique rangelands, wetlands, timberlands, or farmlands; floodplains; known cultural or paleontological resources; alluvial valley floors; known Threatened, Endangered, or Sensitive plant or animal species.

II. DESCRIPTION OF ALTERNATIVES

A. No Action Alternative - Alternative One

Consideration of the "No Action" alternative is required by Federal Regulations contained in 43CFR 1502.14(d). Under this alternative, the terms of the lease would not be changed.

Department of Interior Regulation 43 CFR 3451.1(a) (1) Federal Coal Management Regulations require that all leases issued prior to August 4, 1976, be subject to readjustment at the end of the current 20-year period and at the end of each 10-year period (under which this lease qualifies), thereafter. The present lease terms do not minimize the impact to the surface resources to an acceptable level pursuant to the Forest Plan, and new management requirements are needed.

B. Proposed Action with Application of Forest Service Special Stipulations on all Lease Lands - Alternative Two

Department of Interior Regulations 43 CFR 3400.3-1 pertaining to Coal Management make provision for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. Most of the lands contained within this lease are managed by the United States Department of Agriculture, Forest Service, Manti-LaSal National Forest. Other lands as indicated on Map 1 are owned and managed by I.P.A. Under this alternative, readjustment of the lease terms would be conditioned upon the adoption of Forest Service management constraints by the BLM and I.P.A. These constraints are in the form of stipulations included in this document as Appendix A.

C. Proposed Action with Application of Forest Service Special Stipulations on Lease Lands Exclusive of Privately Owned Surface - Alternative Three

This alternative is essentially the same as Alternative Two with the exception that special F.S. stipulations would not be applied to those surface lands owned and managed by I.P.A. Specific comments were solicited by F.S. letter to I.P.A. dated January 11, 1989. Written Agreement by I.P.A. must be granted to apply the surface protection stipulations to surface lands owned by I.P.A. within the subject lease. Bill Engles, I.P.A. representative related through personal communications (3/15/89 - to later be followed by letter) that his company would not be interested in the application of Forest Service stipulations to that portion of the lease that was privately owned by I.P.A.

III. AFFECTED ENVIRONMENT

The affected environment of the subject areas has been generally described in numerous environmental documents and resource reports (especially U.S. Fuels Mining and Reclamation Plan) prepared for coal leasing, exploration and development in this and surrounding areas. These documents are listed for reference in Section VI, Selected Tiering and Reference Documents. There are several resources on the lease for which concern was identified. These resources are essentially unique to the proposal and are under consideration in this document.

A. Topography

The lease area is located in the south central portion of Gentry Mountain. Elevations range from 7,600 feet to 9700 feet above sea level. The lease is largely situated along the flat-lying portion of Gentry Mountain with the southern portion extending to the Wild Horse Ridge area. Slopes in the lease area vary from 50 percent or more in the Wild Horse Ridge area to nearly flat on the mountain top. The area is incised by the Bear Canyon and Fish Creek drainages and other intermittent streams. Local geologic formations exhibit varying degrees of resistance to erosion which result in the characteristic "stair-step" appearance of the slopes especially in the southern portion of the lease.

B. Geology

The lease area is located within the east-central portion of the Wasatch Plateau. The Wasatch Plateau is considered to be a transitional zone between the Basin and Range Physiographic Province to the west and the Colorado Plateau Physiographic Province to the east. The Wasatch Plateau exhibits geologic characteristics of both provinces.

Rock strata in the region are of sedimentary origin and represent deposition in diverse environments during late Cretaceous and early Tertiary time. The strata are nearly horizontal beds of sandstone, shale and limestone which make up the following units (in ascending order): Mancos Shale, Star Point Sandstone, Blackhawk Formation,

Castlegate Sandstone, Price River Formation, North Horn Formation and Flagstaff Limestone. The strata dip about five to eight degrees to the southwest.

There are three coal beds considered to be mineable within the lease, all of which are located in the Blackhawk Formation. These beds, in ascending order are the Hiawatha Seam, the "A" Seam and the "B" Seam. The Hiawatha Seam is situated at or near the contact of the Blackhawk Formation and Starpoint Sandstone. Separation between these seams varies from 0 feet to greater than 50 feet. These seams are thought to merge into one thick seam on the southern portion of the lease area.

Several minor faults associated with the Pleasant Valley and Joes Valley Fault Zones are present in the general area. The Bear Canyon Fault is the only major fault occurring in the vicinity and effectively forms the western boundary of the lease area. Mass movement (rock falls, slumps, soil creep, etc.) is a major consideration on the southwestern and southeastern corners of the lease area. The slumps and slides typically occur in the Price River and North Horn Formations, while rock falls typically occur in the Star Point and Castlegate Sandstones.

C. Ground Water

Ground water within the lease and adjacent areas is generally of good quality. The available data on groundwater occurrence in this area is insufficient to provide definite predictions. Studies by Vaughn Hansen Associates and U.S. Fuels on lease areas in the general vicinity indicate that ground water may exist in two distinct "regimes". (1) Within the Blackhawk Formation ground water is believed to occur in a number of perched aquifers. (2) A regional water table is believed to be associated with the Star Point Sandstone; occurring either at the Blackhawk-Star Point contact or within the Star Point itself.

Aquifers within the Blackhawk and Price River Formations have similar characteristics. Locally these units contain sand lenses or channels which provide good aquifer characteristics. However, regionally these aquifers are discontinuous and recharge is limited to a relatively small area. As a result, low discharge rates are frequently encountered. The Castlegate Sandstone and the North Horn Formation provide a more continuous and widespread aquifer and are known to yield significant amounts of water in the general area.

Generally, ground water movement is controlled by geologic structure and is in the direction of the dip of the rock strata. Faults and fractures may enhance ground water conditions by channeling ground water flow. Many seeps and springs surface along these faults or associated sympathetic joints and others are closely associated with lithologic contacts, where there is a change in permeability. Substantial water flows associated with the Bear Canyon Fault have been encountered in mine workings near the lease.

D. Soils

An order 3 intensity soil survey has been conducted over the lease area. In general this information shows that most of the soils are moderately deep to deep silty clay loams over limestone bedrock. The topsoil characteristics are fairly good for revegetation. Some problems could be expected in the more steeply sloping areas of the lease tract.

Any surface disturbing activity proposed on the lease tract would require an on-site evaluation and EA. Specific mitigations to potential impacts would be addressed at that time. It is not anticipated that any significant effects would occur to the soil resource that could not be reasonably mitigated.

E. Climate

The climate of the lease area is generally cool and dry. Precipitation and temperature may vary with elevation. Storage rain gages at similar elevations in Joes Valley average 14.6 inches at valley stations to 19 inches on ridges. Most of the precipitation, approximately two-thirds, comes in the form of snow during the months of October through April. The maximum snow accumulation occurs about the first of March each year. Snow depths average about 27 inches. Snow accumulation varies considerably with local topography. The eastern sides of ridges and the north-facing slopes accumulate the most snow. South-facing slopes are snow-free for much of the winter.

The thermal characteristics vary with elevation. Mean annual temperatures vary from 43.5 degrees Fahrenheit in the bottom of Bear Canyon to 32 degrees Fahrenheit on Wild Horse Ridge to the south. The annual frost-free periods for these same sites are 100 days and 40 days respectively. Mean maximum and minimum temperatures for January are 28 degrees Fahrenheit and 18 degrees Fahrenheit respectively. Mean maximum and minimum temperatures for July are 84 degrees Fahrenheit and 52 degrees Fahrenheit respectively.

F. Surface Hydrology

Surface drainages from coal lease tract U-61049 all drain to the west to Huntington Creek through three different drainages; McCadden Hollow, Bear Creek and Fish Creek, all three drainages are intermittent within the lease area. Run-off into Fish Creek is primarily from privately owned surface. Surface disturbing activities associated with coal mining could cause an increase in sediment to these drainage systems. The probable effect is not considered significant so long as proper mitigating measures are applied. Subsidence as a result of coal mining could disrupt the surfacewater regime. The issue is addressed under stipulations for leasing and mining.

G. Wildlife and Fish

Deer and Elk utilize the area of Lease U-61049 for summer range. The area may be used for calving and fawning in the Spring.

The diversity of vegetative types on the lease supports a diverse wildlife population. Besides deer and elk, other game and furbearing species may include: black bear, cougar, bobcat, red fox, grey fox, badger, coyote, snowshoe hare, and an occasional moose may be seen. Avifauna of the area may include several species of hawk, owl, eagle, jay and sparrow. Because of the diversity of habitat components, there are probably many small mammals and songbirds found on the lease which are too numerous to list in detail in this report.

There are no fisheries within the lease area. The lease area does drain into Huntington Creek which is considered a valuable fishery.

The American Bald Eagle is the only known Endangered animal species that may inhabit the area. Bald Eagles are known to winter throughout the region.

Some impacts to wildlife could result from the development of this lease due either from subsidence or surface disturbing activities, i.e. drilling, road construction or facilities.

H. Vegetation

Trees are scattered throughout the Lease U-61049. The coniferous species such as douglas-fir, englemann spruce and white fir are found primarily on the wetter sites, the north and east facing slopes. Quaking aspen grow in clones on the wetter sites that occur on the dry, high elevation south and west aspects. Bristlecone pine and limber pine grow on the higher elevations in harsh, dry environments. Further down the slopes in the canyon and escarpment faces there is an abundance of Utah juniper and pinyon pine.

The low-lying and brushy vegetation on the dry sites consists of: sagebrush, rabbitbrush, mountain mohogany, thistle, elk weed, wild daisy and hard grass. The moderate-to-wetter site plant communities are made up of: snowberry, serviceberry, wood rose, yarrow, pearl everlasting, locoweed, dandelion, cinquefoil, lupine, wheatgrasses, brome, needlegrass and bluegrass. These plants grow in large open expanses primarily on the south and west aspects, ridge tops and under the sparse tree stands. The Forest Botanist investigated the lease area for Threatened or Endangered or Sensitive plant species and none were found.

I. Range Management

Lease U-61049 is within the Gentry Mountain Cattle and Horse Allotment. There are 1440 head of cattle that graze this allotment from approximately June 27 to August 1. There are two livestock

Southeastern Region • 455 West Railroad Avenue • Price, UT 84501-2829 • 801-637-3310

January 18. 1989

Mr. George Morris, Supervisor
Manti LaSal National Forest
599 West Price River Drive
Price, UT 84501

Attn: Rod Player and Walt Nowak

Dear George:

In regard to a readjustment of terms and conditions for coal leases SL-069985 and U-61049, we are concerned about the effects of subsidence from coal mining operations on wildlife. Generally speaking, the effects of subsidence on wildlife lie in two general arenas: hydrologic ecosystems and terrestrial ecosystems. The following is offered for your information.

Subsidence can result in drying up of impounded water bodies or modification to flows at seeps, springs, perennial or even intermittent channels. This can result from the capture in subsidence cracks of water and its resultant migration into other geological strata. Some strata may not allow water to discharge to the surface. Such an impact can have serious consequence to a local area's wildlife in that drinking water may become reduced in value or unavailable to terrestrial animals.

Seeps or springs providing flow during periods when wildlife are present represent a critical valued resource to all of the local area's wildlife. Most wildlife have small and limited home ranges. As a result, when one of these critical valued aquatic resources is lost, the animal does not have the physical capability of "packing his bag" and moving to another area of acceptable habitat. Those few species that have such a physical capability usually find the home ranges in adjoining areas already filled to capacity. It is for that reason that the Division holds firm to the philosophy that each and every seep and spring is a critical resource for wildlife.

In the event that coal mining results in subsidence that impacts the flows at seeps and springs, mitigation is anticipated. An impact would be deemed substantial if the daily flow from a seep or spring was reduced by 50% or more. Mitigation that would be expected is simply the replacement of the water. Unquestionably, there would be many techniques that could achieve this goal; guzzlers are considered to be the most effective technique. They should be fenced with a 3-rail/pole fence having a maximum height of 42 inches. Clearance between the ground and the bottom pole, as well as space between the top two poles, should be at least 14 inches. This will allow passage of wildlife while disallowing domestic livestock.

George Morris
Attn: Rod Player and Walt Nowak
Page 2
January 18, 1989

Aquatic life, particularly hydrophytes, invertebrates, mollusks and fishes could suffer due to reduced or lost flows. It is even possible that subsidence fractures could expose undesirable mineral deposits to aquatic systems. If such situations were to occur, aquatic and terrestrial animals would either perish or be forced to reduce the size of their use areas. Ultimately, the carrying capacity of the area for wildlife would be reduced.

Increased flows resulting from subsidence that may appear as a benefit could in actuality mean that some other aquatic system has lost flows. But benefits are possible if subsidence cracks access an isolated hydrologic basin.

Reduced or lost flows in surface water systems and ground water systems can negatively impact terrestrial habitats. Mesic habitats (riparian, wetland and aspen types) associated with those systems could be degraded by the reduction or loss of water. In all ecological situations (desert, submontane and montane) riparian or wetland ecosystems due to their high level of biological productivity, limited acreage and intense use by wildlife, represent a critical valued habitat. Similar comments can be made for the aspen habitat in the montane ecological situation.

Beyond problems associated with aquatic systems, subsidence impacts to terrestrial wildlife and habitats are primarily associated with surface movement of the earth. However, methane gas has been known to travel along subsidence fractures to the surface. The escaping gas affects rhizobium in the soil and can kill adjacent rhizobium dependent vegetation.

The surface cracks alone have little impact on wildlife. It is possible that individual animals could perish in some of these holes or cracks. It has even been suggested that the movement in the earth could collapse the burrows of small rodents, thus trapping and killing them. At this point in time, I doubt whether that is a valid concern in that small rodents are extremely abundant. Since subsidence occurs over such small and limited areas, impacts to rodents would not be of consequence.

Most rodents probably have trouble with their burrows caving at times anyway. Thus, they are adapted to digging around such cave-ins. It is likely that cracks and surface displacement created by subsidence represent escape cover for small animals, and to some degree, access points for burrowing animals.

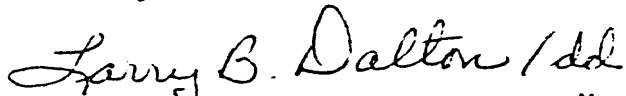
Subsidence has caused escarpment failures. When raptor nests exist in the escarpments, such failures would be of negative consequence, since raptors typically return to reuse their nests over the years. Where escarpment failure occurs and there are no raptor nests, such failure could create suitable raptor nesting habitat.

George Morris
Attn: Rod Player and Walt Nowak
Page 3
January 18, 1989

Many surface displacement lines from subsidence in Utah's coal mining areas are utilized extensively by big game as travel corridors. These fracture lines, once they become filled in, represent a flat trail on which the animals can easily walk around the contours of a mountain or across ridge tops.

It is hoped that the aforementioned information will prove useful to you in coal leasing decisions. If the Division can be of any further service, please don't hesitate to call.

Sincerely,

Handwritten signature of Larry B. Dalton in cursive script, followed by the initials "dd".

Larry B. Dalton, Wildlife Program Manager
Resource Analysis/Habitat Protection

LBD/dd

cc: Darrell Nish, DWR
Lowell Braxton, DOGM
Clark Johnson, USFWS
Linda Seibert, BLM

driveways that provide access to the allotment. One goes through Trail Canyon and crosses lease U-61049. The other lies in Chris Otteson Hollow to the east of the lease.

Approximately 680 acres of the lease area is classified as either unsuitable or non-rangeland because of steep slopes, stands of heavy timber, barren slopes or rock outcrop. Approximately 1350 acres of sagebrush and the areas under the aspen stands are classified as suitable range. The suitable range offers fair to excellent grazeable vegetation. Range improvement on the subject lease include one unit boundary fence.

Mining and exploration of this lease could have some effect on the range management of the area. Subsidence could affect present water sources. Exploration and/or development could take a portion of the range out of production for a period of time.

IV. ENVIRONMENTAL CONSEQUENCES

A. Effects of Implementation

Mining in the lease area took place when the lease was included in the permit area of the U.S. Fuel Co. King Mines (Hiawatha Complex). No significant impacts have been observed on that portion of the leased surface administered by the Manti-LaSal National Forest. There would be no additional effects to the environment unless coal production is continued from the lease under a new approved mining and reclamation plan and/or surface disturbing operations are conducted.

If mining continues under a new MRP, effects would result from deformation of the overburden and subsidence of the land surface. Additional effects would result from any surface disturbing activities such as coal exploration, construction of surface facilities for mining and the other activity associated with surface operations.

The environmental consequences for all three alternatives will be essentially the same but may differ in magnitude. Under the terms and conditions contained in the existing lease (No Action Alternative), the environmental consequences may not be as thoroughly mitigated.

Under Alternative Two, the stipulations contained in Appendix A would be included on the entire lease and anticipated effects would be mitigated to the maximum degree practical on all lands.

Under Alternative Three, the anticipated effects would be mitigated to an acceptable level on National Forest System lands. If the private surface owner does not agree to the application of surface protection stipulations, then it is not known to what degree the anticipated surface impacts on the private surface lands will be mitigated.

B. Short-Term and Residual Impacts

Surface disturbing operations if proposed and approved would result in some degradation of surface water quality, increased soil erosion, removal of vegetation and the associated disturbance to wildlife from human activities and presence. The duration of the impacts would depend upon the life of operations and time needed for reclamation to be successful.

The lease has been partially mined to date. The area has undergone subsidence to some degree; however, the present extent of subsidence is unknown at this time. If the remaining coal reserves contained within the lease are mined, additional subsidence would occur at the surface. The amount and extent of subsidence would depend on the mining method, mine configuration, number and thickness of seams mined and the geologic factors which control the strength of the overlying rock units. Stresses produced within the rock strata as a result of mining may effect mine safety, recoverability, ground water flow and the surface environment.

Subsidence begins almost immediately upon mining and may continue for many years after the working area is abandoned. The rate, extent and amount of subsidence will vary with the geologic conditions and mining operations.

It is expected that mining and subsidence will have an effect upon the natural ground water flow which may, in turn, result in effects to surface water, soils, vegetation, wildlife habitat and land uses.

C. Short-Term Use vs. Long-Term Productivity

Construction of facilities and operations would involve long-term uses and disturbance. The duration would be dependent on the life of the mining operation and the additional time required for revegetation of the disturbed areas following reclamation.

Underground mining and subsidence could involve long-term alteration of the ground water flow and associated effects to surface resources. The long-term productivity could be altered as drainages, soils and vegetation gradually adjust to any modified ground water conditions. The productivity could decrease or increase depending on the amount of available water.

D. Irreversible and Irretrievable Commitment of Resources

The resources that would be consumed in coal extraction would not be retrievable, and not available to be used elsewhere once expended. After the coal is mined, its' use by future generations would be irreversibly lost, and the coal left in place would not be recovered.

Subsidence may result in the irreversible commitment of some of the discussed resources.

E. Cumulative Effects

Historically, man's activities in the lease area have included livestock grazing, recreation and roads which have resulted in changes in vegetation and erosion. These are no cumulative effects associated with the readjustment of this lease. Cumulative effects resulting from mining coal could include the effects from subsidence, the effects associated with surface disturbing operations such as coal exploration and construction of mining facilities if proposed and approved, and the human activity from continued operations as exists on mines in adjacent areas. Cumulative effects are within the thresholds established in the Manti-LaSal National Forest Land and Resource Management Plan.

V. PERSONNEL AND PUBLIC INVOLVEMENT

A. Forest Service Interdisciplinary Team

Brent Barney, Civil Engineer
 Ira Hatch, District Ranger
 Dan Larsen, Soil Scientist
 Leland Matheson, Range Conservationist
 Ted McDougall, Geologist
 Walter Nowak, Geologist-Team Leader

B. Other Organizational and Public Involvement

1. Emery County Commissioners 75 E. Main, Castle Dale, Ut 84513
2. Slickrock Outdoor Society, Rt. 1, Box 1444, Price, Utah 84501
3. Slickrock Country Council, P.O. Box 126, Moab, Utah 84532
4. Utah Wilderness Association, 455 E. 400 S. #306, SLC, UT 84111
5. Utah Division of Wildlife Resources, 455 West Railroad Ave.
Price, Utah 84501
6. East Carbon Wildlife Federation, 331 Carson Box 904, East
Carbon, Utah 84520
7. Huntington Livestock Association, Huntington, Utah 84528
8. Intermountain Power Agency, 5250 S. 300 W. #101, Murray, UT 84107

VI. SELECTED TIERING AND REFERENCE DOCUMENTS

- A. Environmental Assessment/Technical Examination for the Readjustment of Federal Coal Lease SL-025431 and 12/10/82.
- B. Manti-LaSal National Forest Environmental Impact Statement and Land and Resource Management Plan, 11/86.

- C. Environmental Assessments for the Readjustment of Federal Coal Lease SL-025431, 11/19/82; U-024316, 7/6/87; U-46484, 4/28/87; and U-38727, 8/87.
- D. United States Fuel Company, King Mines Mining and Reclamation Plan approved on July 16, 1986.
- E. Environmental Assessment, U.S. Fuel Company, Hiawatha Mines Complex, King Nos. 4, 5 and 6 Mines, May 1986, Office of Surface Mining.

APPENDIX A

STIPULATION FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
THE DEPARTMENT OF AGRICULTURE

The licensee/permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior of the license/prospecting permit/lease. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of Interior, (2) uses of all existing improvements, such as Forest development roads, within and outside the area licensed, permitted or leased by the Secretary of Interior, and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed to:

Forest Supervisor
Manti-LaSal National Forest
599 West Price River Dr.
Price, Utah 84501

Telephone No.: 801-637-2817

who is the authorized representative of the Secretary of Agriculture.

Signature of Licensee/Permittee/Lessee

SPECIAL STIPULATIONS

Federal Regulations 43 CFR 3400 pertaining to Coal Management make provisions for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. All or part of this lease contain lands the surface of which are managed by the United States Department of Agriculture, Forest Service - Manti-LaSal National Forest.

The following stipulations pertain to the Lessee responsibility for mining operations on the lease area and on adjacent areas as may be specifically designated on National Forest System lands.

Forest Service Stipulation #1.

Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the Lessee may be required to conduct a cultural resource inventory and a paleontological appraisal of the areas to be disturbed. These studies shall be conducted by qualified professional cultural resource specialists or qualified paleontologists, as appropriate, and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural or paleontological resources.

If cultural resources or paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the Lessee prior to disturbance shall immediately bring them to the attention of the appropriate authority. Paleontological remains of significant scientific interest do not include leaves, ferns or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #2.

If there is reason to believe that threatened or endangered (T&E) species of plants or animals, or migratory bird species of high Federal interest occur in the area, the Lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #3.

The Lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data is adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the inter-relationship of the geology, topography, surface hydrology, vegetation and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

Forest Service Stipulation #4.

Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

Forest Service Stipulation #5.

The limited area available for mine facilities at the coal outcrop, steep topography, adverse winter weather, and physical limitations on the size and design of the access road, are factors which will determine the ultimate size of the surface area utilized for the mine. A site specific environmental analysis will be prepared for each new mine site development and for major improvements to existing developments to examine alternatives and mitigate conflicts.

Forest Service Stipulation #6.

Consideration will be given to site selection to reduce adverse visual impacts. Where alternative sites are available, and each alternative is technically feasible, the alternative involving the least damage to the scenery and other resources shall be selected. Permanent structures and facilities will be designed, and screening techniques employed to reduce visual impacts and, where possible, achieve a final landscape compatible with the natural surroundings. The creation of unusual, objectionable, or unnatural landforms and vegetative landscape features will be avoided.

Forest Service Stipulation #7.

The Lessee shall be required to establish a monitoring system to locate, measure and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

Forest Service Stipulation #8.

The Lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal handling and storage facilities. On Forest Development Roads (FDR), Lessees may perform their share of road maintenance by a commensurate share agreement if a significant degree of traffic is generated that is not related to their activities.

Forest Service Stipulation #9.

Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to existing surface structures, and (3) damage or alter the flow of perennial streams. The Lessee shall provide specific measures for the protection of escarpments, and determine corrective measures to assure that hazardous conditions are not created.

Forest Service Stipulation #10.

In order to avoid surface disturbance on steep canyon slopes and to preclude the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specific approved locations.

Forest Service Stipulation #11.

If removal of timber is required for clearing of construction sites, etc., such timber shall be removed in accordance with the regulations of the surface management agency.

Forest Service Stipulation #12.

The coal contained within, and authorized for mining under this lease shall be extracted only by underground mining methods.

Forest Service Stipulation #13.

Existing Forest Service owned or permitted surface improvements will need to be protected, restored, or replaced to provide for the continuance of current land uses.

Forest Service Stipulation #14.

In order to protect big game wintering areas, elk calving and deer fawning areas, sagegrouse strutting areas, and other critical wildlife habitat and/or activities, specific surface uses outside the mine development area may be curtailed during specified periods of the year.

Forest Service Stipulation #15.

Support facilities, structures, equipment, and similar developments will be removed from the lease area within two years after the final termination of use of such facilities. Disturbed areas and those areas previously occupied by such facilities will be stabilized and rehabilitated, drainages re-established, and the areas returned to a premining land use.

Forest Service Stipulation #16.

The Lessee, at the conclusion of the mining operation, or at other times as surface disturbance related to mining may occur, will replace all damaged, disturbed or displaced corner monuments (section corners, 1/4 corners, etc.) their accessories and appendages (witness trees, bearing trees, etc.) or restore them to their original condition and location, or at other locations that meet the requirements of the rectangular surveying system. This work shall be conducted at the expense of the Lessee, by a professional land surveyor registered in the State of Utah, and to the standards and guidelines found in the Manual of Surveying Instructions, United States Department of the Interior.

Forest Service Stipulation #17.

The Lessees, at their expense, will be responsible to replace any surface water identified for protection, that may be lost or adversely affected by mining operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses.

APPENDIX B

FOREST SERVICE
324 25th Street
Ogden, UT 84401

2820

DEC 10 1982



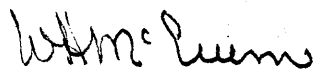
Mr. Roland G. Robison, Jr.
Utah State Director
Bureau of Land Management
136 East South Temple
Salt Lake City, UT 84111

Dear Mr. Robison:

In response to your February 24, 1982, letter, we have no objection to the readjustment of Federal Coal Lease SL-025431 (United States Fuel Co.) providing the 14 Standard Coal Lease Stipulations are made a part of the lease.

The enclosed Environmental Assessment is the basis for our recommendation that is documented in the Finding of No Significant Impact and Decision Notice.

Sincerely,


J. S. TIXIER
Regional Forester

Enclosure



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
UTAH STATE OFFICE
136 E. SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111

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IN REPLY REFER TO
3400
SL-025431
(U-942)

Acting Regional Forester
Forest Service
324 - 25th Street
Ogden, Utah 84401

FEB 24 1982

Dear Sir:

The following coal lease under the jurisdiction of the Forest Service will be subject to readjustment of its terms and conditions on February 8, 1983:

Serial No.

Lessee

SL-025431

United States Fuel Company

The regulations in 43 CFR 3451.1(d)(1) and (2), governing coal readjustments state that:

1. The authorized officer shall, prior to the expiration of the current or initial 20-year period or any succeeding 10-year period thereafter, notify the lessee of any lease which becomes subject to readjustment after June 1, 1980, whether any readjustment of terms and conditions will be made prior to the expiration of the initial 20-year period or any succeeding 10-year period thereafter. . . .; and

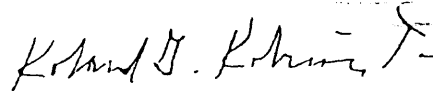
2. In any notification that the lease will be readjusted under the subsection, the authorized officer shall prescribe when the notice of readjusted lease terms shall be transmitted to the lessee. This time shall be as soon as possible after notice that the lease shall be readjusted, but shall not be longer than two years after such notice. Failure to transmit the notice of readjusted lease terms in the specified period shall constitute a waiver of the right to readjust, unless the delay is caused by events beyond the control of the Department.

The lessee must be notified no later than February 17, 1984 of the readjusted terms. We have been notified by the Minerals Management Service that this lease is in a producing status, therefore, the environmental assessment must be received by three months prior to the readjustment date.

11/2/82

If you anticipate any problems in completing the environmental assessment, please let my office know. The case file has been sent to the Moab District Office for coordination with the Forest Service in completing the environmental assessment.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Roland G. Robison, Jr.", with a stylized flourish at the end.

Roland G. Robison, Jr.
State Director

Coal Lease Readjustment - SL-025431
Manti-LaSal National Forest
Carbon and Emery Counties, Utah

On February 8, 1983, Lease SL-025431 will become subject to readjustment according to Federal coal leasing regulations (43 CFR Part 3400). It is our decision to recommend readjustment of the lease subject to the mitigating measures specified in the accompanying environmental assessment.

The subject lease is located within the Manti-LaSal National Forest.

A Forest Service ID Team has evaluated the proposed action and an environmental assessment has been prepared in consultation with the Bureau of Land Management. Copies of the environmental assessment and other pertinent documents are on file and available for review at the following locations:

Manti-LaSal National Forest
Price Ranger District
10 North Carbon Avenue
Price, Utah 84501

Bureau of Land Management
Price River Resource Area
900 North 700 East
Price, Utah 84501

Since this action involves an active coal mining operation, the only alternatives considered were (1) No Action - continuing production under current lease terms, and (2) Proposed Action - modifying lease terms to bring the lease in conformance with current leasing regulations.

Pursuant to the National Environmental Policy Act of 1969, a determination has been made through the environmental assessment process that the proposed action will not create any significant impacts to the human environment. An environmental statement will, therefore, not be required. This determination was based on consideration of a number of factors that are discussed in greater detail in the environmental assessment. The primary considerations are as follows:

1. The proposed lease readjustment will not be a major Federal action.
2. The proposed action can be implemented within the management guidelines and directives specified in the Manti-LaSal National Forest, Ferron-Price Land Management Plan, and the Price River Management Framework Plan (BLM).
3. Readjustment of lease SL-025431 in itself would not irreversibly or irretreivably commit any resources.
4. Coal leasing, exploration, and development is and has historically been an integral part of the local economy and lifestyle. Public comments have, therefore, not been solicited or received.

5. No known threatened or endangered plant or animal species will be disturbed by this project.

6. Wetlands and floodplains are present only to the extent that they exist along ephemeral channels and will not be significantly affected by this action.

7. Implementation of this action may take place immediately upon approval.

8. Any future surface disturbing activity will be handled through a site-specific environmental assessment.

This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19.

for William C. Cum
Regional Forester

DEC 10 1982
Date

ENVIRONMENTAL ASSESSMENT
READJUSTMENT OF FEDERAL COAL LEASE SL-025431
MANTI-LASAL NATIONAL FOREST
PRICE RANGER DISTRICT

Prepared by: Jeffrey Gavin, Geologist

Approval recommend by:

Don W. Hatch
District Ranger

Date:

11/10/82

Approved by:

Reed C. Chubb
Forest Supervisor

Date:

11/19/82

I. INTRODUCTION

A. Purpose and Need for Action

All Federal coal leases issued prior to August 4, 1976, are subject to readjustment at the end of their 20-year term and every 10 years thereafter. Lease SL-025431 was first issued to U.S. Fuels Company in 1923. The primary purposes of a lease readjustment are:

1. To update the lease terms for annual rental fees, production royalties, bonds, and environmental protection.
2. To insure that each lease is reviewed subject to the Federal Lands Unsuitability Criteria.
3. To insure that the lease terms conform to the provisions of the Federal Coal Leasing Amendments Act of 1976.

Federal laws and regulations require the concurrence of the surface managing agency, that is in this case, the U.S. Forest Service, to provide input for this readjustment, and all other leasing actions affecting National Forest Lands. This lease lies totally within the Manti-LaSal National Forest, therefore, the Forest Service is responsible for preparing a document assessing the environment and implementing environmental protective stipulations.

The NEPA process and an environmental assessment are utilized to establish recommendations and environmental protection requirements which are to be included in the readjusted lease terms.

1. Authorizing Actions

Readjustment of Lease SL-025431 will take place under the authority of the following authorizing actions: The Mineral Leasing Act of February 25, 1920, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; the Surface Mining Control and Reclamation Act (SMCRA) of 1977; the Multiple Minerals Development Act of August 13, 1954; the Department of Energy Organization Act of August 4, 1977; the National Environmental Policy Act (NEPA) of 1969; the Federal Coal Leasing Amendments Act of 1976, as amended; the Act of October 30, 1978 that further amended the Mineral Leasing Act of 1920; and regulations: Title 43 CFR Subpart 3041, Part 3400, Part 2800 and Title 30 Part 211, Part 700; Ferron-Price Land Management Plan and Environmental Statement, 1979.

2. Relationship to Land-Use Planning and Unsuitability Criteria

Lease SL-025431 is located within the Gentry Mountain Management Unit No. A-2, of the Ferron-Price Land Management Planning Unit. Management decisions and guidelines for this unit and all "coal lands" are specified in the "Land Management Plan, Ferron-Price Planning, Unit, Manti-LaSal National Forest." Readjustment and development of lease SL-025431 is compatible with all pertinent management guidelines specified for Management Unit A-2 and for "coal lands" in general.

As required by the Surface Mining Control and Reclamation Act of 1977 and subsequent legislation, the Federal Land Unsuitability Criteria were applied to the "A" Coal Lands area of the Ferron-Price Planning Unit as a part of the Environmental Statement and Land Management Planning process. A review of the Unsuitability Criteria and their application to the Ferron-Price Planning Unit indicates there are no Unsuitability Criteria which apply to this lease.

Upon the effective date of the readjusted lease terms, the Lessee and operator(s) will be required to comply with all new and existing stipulations attached to lease SL-025431. The Lessee and operator(s) must comply with all Federal, State, and local laws, regulations, and policies pertaining to the leasing and development of coal. A complete listing of Federal laws affecting coal leasing and development is presented in the "Final Environmental Statement: Federal Coal Management Program" (pp. 1-15 through 1-23). Additional environmental assessments will be required to evaluate any future surface disturbing activity related to exploration or development of this lease.

B. Issues, Concerns and Opportunities

Concerns

1. The Forest Service ID Team has identified a concern for possible impacts to groundwater and surface water as a result of subsidence.
2. There is a concern over possible slumping of the escarpment along the eastern boundary of the lease where canyons intersect the lease boundary.

Opportunity

1. There is an opportunity for the Forest Service to develop management requirements to protect existing resources and monitor future impacts that could result from subsidence.

C. Negative Declaration

Readjustment and subsequent development of lease SL-025431 will not affect any identified prime range, farm or timber lands; wetlands; alluvial valley floors; cultural or historical resources; threatened or endangered plant and animal species; or RARE II Wilderness Study areas. Future specific surface disturbing activities will be evaluated to identify any potential impacts to these values.

Although there are no designated floodplains on the Manti-LaSal National Forest, by definition (FSM 2520 ID No. 10) all ephemeral and perennial stream channels include floodplains. Proper management requirements and design features incorporated into future activities can mitigate any impacts to floodplains to levels within the guidelines specified by Executive Order 11988 and FSM 2527.

D. Lease Background

Coal Lease SL-025431, consisting of 2,370.26 acres is all within National Forest lands.

According to U.S. Fuel (lessee), two seams, the "B" seam and Hiawatha seam are now being mined. The "B" seam is mined from the King 5 and the Hiawatha from the King 6 portal. Mining is being done by the room and pillar method.¹

The coal within the Hiawatha seam is the most important, due to abundance and uniformity of seam thickness.

Average rating for the Hiawatha seam in the lease area is as follows:

Moisture	5.6%
Volatile Matter	42.3%
Fixed Carbon	45.7%
Ash	6.2%
Sulphur	.61%
BTU/lb	12.719

Current mining figures for the two seams show a total production of about 348,000 ton of coal per year from Federal Coal Lease SL-025431.

II. ALTERNATIVE INCLUDING THE PROPOSED ACTION

A. Alternative One - "No Action"

Consideration of the "No Action" alternative is required by the National Environmental Policy Act of 1969 (NEPA) and by CEQ Guidelines listed in the November 29, 1979 Federal Register. The "No Action" alternative in this case would allow Federal lease SL-025431 to continue under it's 1962 terms. Continuation of this lease without an adjustment is not a viable alternative. Federal regulation 43CFR3451.1 mandates readjustment of coal lease terms at specified intervals.

¹Personal communication with Mining Engineer section of U.S. Fuels Company

Failure of the Federal Government to readjust a lease within specified time constraints constitutes a waiver of the right to readjust lease terms. The lessee has been notified that lease SL-025431 will be readjusted (Appendix B).

B. Alternative Two - Proposed Action

1. Description

The proposed action is to readjust the terms of Federal coal lease SL-025431 to comply with current Federal regulations and Forest Service Land Management requirements. This action will require a general assessment of the effects of development of the coal reserves within the subject lease. As a result of this assessment, surface management stipulations developed for inclusion in the lease terms are attached in Appendix "A".

Lease SL-025431 is located on Gentry Mountain west and south of the town of Hiawatha. The legal description is as follows:

T15S,R7E Sec. 36 S $\frac{1}{2}$ NE $\frac{1}{4}$,E $\frac{1}{2}$ SE $\frac{1}{4}$
T15S,R8E Sec. 31 Lots 1-4, E $\frac{1}{2}$ W $\frac{1}{2}$,E $\frac{1}{2}$
T16S,R7E Sec. 1 E $\frac{1}{2}$ E $\frac{1}{2}$
 Sec. 12 E $\frac{1}{2}$ NE $\frac{1}{4}$
T16S,R8E Sec. 5 lots 1, 5, 8 & 12
 Sec. 6 lots 1-14, E $\frac{1}{2}$ SW $\frac{1}{4}$,W $\frac{1}{2}$ SE $\frac{1}{4}$,SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Sec. 7 lots 1 & 2, S $\frac{1}{2}$ NE $\frac{1}{4}$,NW $\frac{1}{4}$ NE $\frac{1}{4}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Sec. 8 SW $\frac{1}{4}$ SW $\frac{1}{4}$

SLM, Carbon and Emery Counties, Utah

Figure One (p. 4a) shows the lease and the surrounding area in general. Figure Two (P. 4b) indicates a detailed map location for lease SL-025431.

2. Management Requirements

The readjusted terms of Lease SL-025431 will include the 14 standard coal lease stipulations (see Appendix A). Implementation of these stipulations should adequately resolve the Issues and Concerns identified in this document.

III. DESCRIPTION OF EXISTING ENVIRONMENT-AFFECTED ENVIRONMENT

The existing and affected environment of the lease and surrounding areas have been described generally in the following documents: "Final Environmental Statement: Development of Coal Resources in Central Utah"; "Final Environmental Statement: Uinta-Southwestern Utah Coal Region;" "Final Environmental Statement: Ferron-Price Planning Unit, Manti-LaSal National Forest, 1969." Additional information regarding the affected environment is presented in various environmental assessments prepared for other activities in the vicinity of the lease and are all available for review at the Price Ranger District, Price, Utah. The following section of this report describes the environmental factors that are related to the proposed action.

T.14 S.

T.15 S.

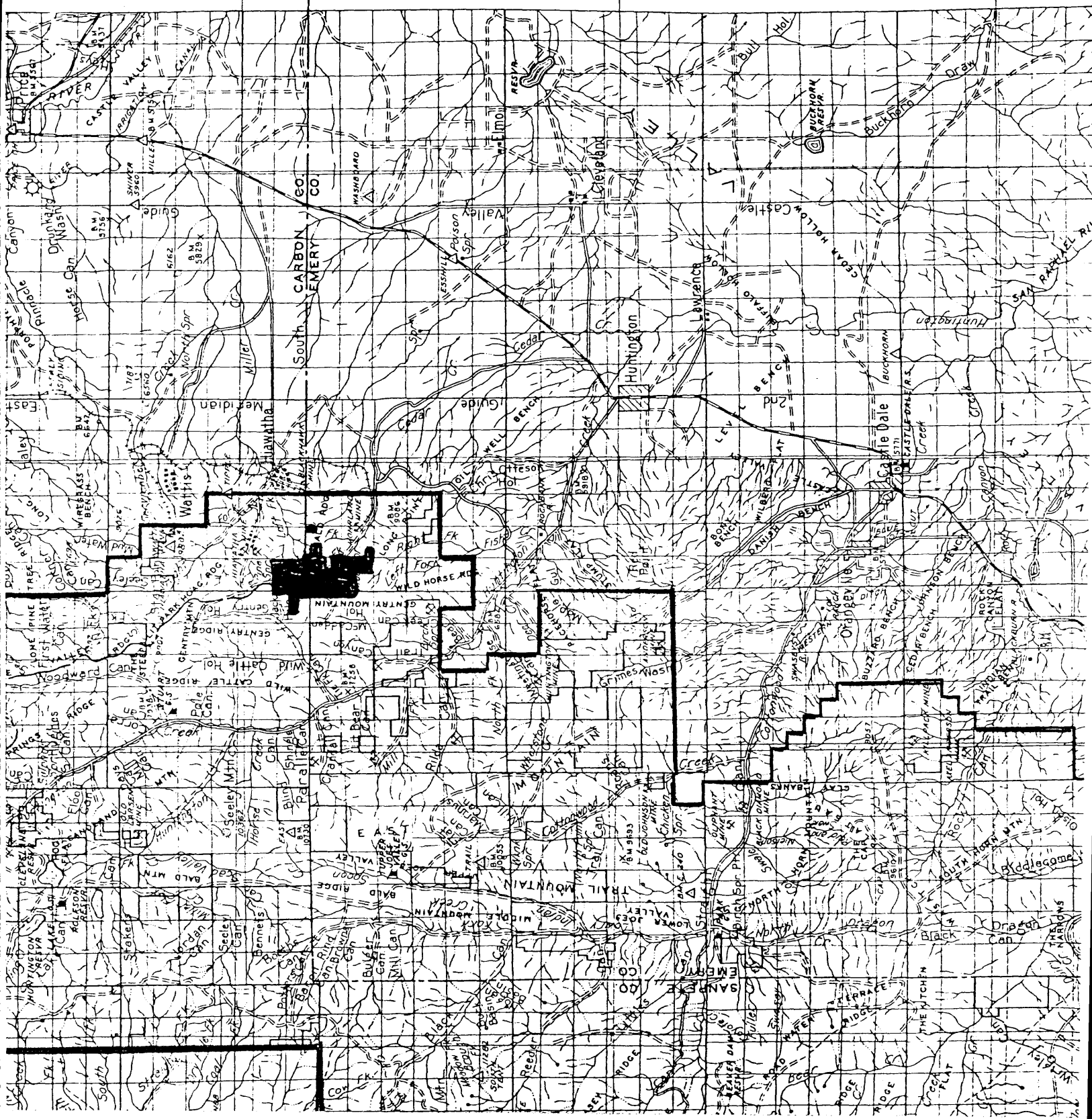
T.16 S.

T.17 S.

T.18 S.

T.19 S.

General location
of Federal Coal
Lease # SL-02543



Federal Coal Lease SL-025431 is located on Gentry Mountain, west-southwest of the mining town of Hiawatha. It is part of the Price River and Huntington Canyon drainages. That portion of the lease that is tributary to Huntington Canyon is also tributary to the City of Huntington's municipal water supply when the community is diverting from Huntington Creek. Cedar Creek and the Left Fork of Miller Creek drain most of the lease to the east and Gentry Hollow drains the northwestern portion of the lease.

Groundwater in the lease area, and throughout the District is generally of good quality. The available data on groundwater occurrence is insufficient to draw any definite conclusions. Studies by Vaughn Hansen Associates on other leases in the vicinity indicate groundwater may exist in two regimes. (1) Within the Blackhawk Formation, groundwater is believed to occur in a number of perches aquifers. (2) A regional water table is believed associated with the Star Point Sandstone.²

The lease lies on generally flat topography atop of Gentry Mountain. There are two canyons which cross the lease on the eastern portion. These Canyons are in the youthful stage of erosion and therefore form deep "V" shape canyons. Possible slumping of rock above the coal seam could occur as a result of a breakout or subsidence, which could adversely affect visual and watershed resources.

IV. ENVIRONMENTAL CONSEQUENCES

A. Alternative One - "No Action"

Continuance of this lease under its existing terms would result in royalty and rental rates continuing unchanged from the current rate. At this time coal is being mined from Federal Coal Lease SL-025431, and if terms are not readjusted the U.S. Treasury will possibly lose revenues until the next readjustment period. In addition to possible revenue losses the Forest Service would lose an opportunity to implement surface and resource management requirements which would minimize any disturbance as a result of mining.

B. Alternative Two - Proposed Action

Mining is occurring on Lease SL-025431 at a rate of 348,000 ton/year. If Alternative Two is implemented the mining of coal would not be affected, but the royalties paid to the Federal Treasury could be adjusted to the current royalty rates applicable to coal mined from underground. Implementing Alternative Two would also allow the Forest Service to include surface protection and monitoring stipulations which would protect the existing environment. Since the decision to mine Federal Coal Lease SL-025431 has been made and mining is continuing at this time, there will be no new major effects of subsidence as a result of implementing the proposed action. However, with a monitoring plan the Forest Service will have an opportunity to study the short-term and long-term effects of coal mining in the lease area.

² Environmental Assessment Readjustment of Federal Coal Lease U-026583 - 058261 Gentry Mountain.

Relationship of Short-Term Use and Long-Term Productivity

Most of the long-term effects from production result from surface facilities such as portals, conveyers, powerplants, etc., which are all located off the lease area. The long-term effect on the coal resource will be consumption of a non-renewable resource which will not be available for future generations.

Irreversible and/or Irretrievable Commitment of Resources

1. The major commitment of resources will be the energy used to mine coal and consumption of the coal. This use will be an irretrievable commitment of resources. This coal will be unavailable for other uses once consumed.
2. Those aquifers that would be disturbed during mining or subsidence could be irreversibly altered.

V. PERSONNEL AND PUBLIC INVOLVEMENT

A. Forest Service ID Team

Jeffrey Gavin	Geologist
Ira Hatch	District Ranger
Walt Nowak	District Geologist

B. Public Contacts

Bureau of Land Management

VI. REFERENCES CITED

Doelling, H.H., et al, 1972, Central Utah Coal Fields: Sevier - Sanpete, Wasatch Plateau, Book Cliffs and Emery, UGMS.

USDA - Forest Service, Land Management Plan, Ferron-Price Planning Unit Manti-LaSal National Forest, May, 1979.

VII. APPENDICES

- A. Standard Coal Lease Stipulations.
- B. BLM submittal letter to USFS.

APPENDIX A

MANAGEMENT REQUIREMENTS STANDARD COAL LEASE STIPULATIONS

STIPULATION 1

The coal contained within the lease area and authorized for mining under this lease shall be extracted only by underground mining methods.

STIPULATION 2

All support facilities, structures, equipment, and similar developments will be removed from the lease area within two years after the final termination of use of such facilities. All disturbed areas and those areas occupied by such facilities will be rehabilitated in accordance with an approved reclamation plan, 30 CFR 211 and the "Surface Mining Control and Reclamation Act of 1977" or approved Utah program as applicable.

STIPULATION 3

(a) Before undertaking any activities that may disturb the surface of the leased lands, the Lessee may be required to conduct a cultural resource intensive field inventory in a manner specified by the Regional Director and the Authorized Officer of the surface managing agency on portions of the mine plan area and adjacent areas, or exploration plan area, that may be adversely affected by lease-related activities and which were not previously inventoried at such a level of intensity. The inventory shall be conducted by a qualified professional cultural resource specialist (i.e., archaeologist, historian, or historical architect, as appropriate), approved by the Authorized Officer of the surface managing agency and a report of the inventory and recommendations for protecting any cultural resources identified shall be submitted to the Regional Director (or the District Mining Supervisor if activities are associated with coal exploration outside an approved mining permit area) and the Authorized Officer of the surface managing agency. The Lessee shall undertake measures, in accordance with instructions from the Regional Director (or the District Mining Supervisor if activities are associated with coal exploration outside an approved mining permit area), to protect cultural resources on the leased land. The Lessee shall not commence the surface disturbing activities until permission to proceed is given by the Regional Director or the District Mining Supervisor as appropriate.

(b) The Lessee shall protect all cultural resource properties within the lease area from lease-related activities until the cultural resource mitigation measures can be implemented as part of an approved mining and reclamation plan or exploration plan.

(c) The cost of conducting the inventory, preparing reports, and carrying out mitigation measures shall be borne by the Lessee.

(d) If cultural resources are discovered during operations under this lease, the Lessee shall immediately bring them to the attention of the Regional Director (or the District Mining Supervisor as appropriate), and the Authorized Officer, Surface Management Agency. The Lessee shall not disturb such resources except as may be subsequently authorized by the Regional Director (or the District Mining Supervisor). Within two (2) working days of notification, the Regional Director (or the District Mining Supervisor, as appropriate) will evaluate or have evaluated any cultural resources discovered and will determine if any action may be required to protect or preserve such discoveries.

(e) All cultural resources shall remain under the jurisdiction of the United States until ownership is determined under applicable law.

STIPULATION 4

Before undertaking any activities that may disturb the surface or the leased lands, the Lessee shall contact the Regional Director and Authorized Officer of the Surface Management Agency to determine whether the Lessee will be required to conduct a paleontological appraisal of the mine plan and adjacent areas, or exploration plan areas, that may be adversely affected by lease-related activities. If the Regional Director and Authorized Officer, Surface Management Agency, determines that one is necessary, the paleontological appraisal shall be conducted by a qualified paleontologist approved by the Authorized Officer of the surface management agency, using the published literature and, where appropriate, field appraisals for determining the possible existence of fossils of scientific significance. A report of the appraisal and recommendations for protecting any fossils of significant scientific interest on the leased lands so identified shall be submitted to and approved by the Regional Director and the Authorized Officer, Surface Management Agency. When necessary to protect and/or collect the fossils of significant scientific interest on the leased lands, the Lessee shall undertake the measures provided in the approval of the mining and reclamation plan or exploration plan.

(a) The Lessee shall not knowingly disturb, alter, destroy, or take any fossils of significant scientific interest, and shall protect all such fossils in conformance with the measures included in the approval of the mining and reclamation plan or exploration plan.

(b) The Lessee shall immediately bring any such fossils that might be altered or destroyed by his operation to the attention of the Regional Director or the District Mining Supervisor, as appropriate. Operations may continue as long as the fossil specimen or specimens would not be seriously damaged or destroyed by the activity. The Regional Director or the District Mining Supervisor, as appropriate, shall evaluate or have evaluated such discoveries brought to his attention and, within five (5) working days, shall notify the Lessee what action shall be taken with respect to such discoveries.

(c) All such fossils of significant scientific interest shall remain under the jurisdiction of the United States until ownership is determined under applicable law. Copies of all paleontological resource data generated as a result of the lease term requirements will be provided to the Regional Director or the District Mining Supervisor, as appropriate.

(d) These conditions apply to all such fossils of significant scientific interest discovered within the lease area whether discovered in the overburden, interburden, or coal seam or seams. Fossils of significant scientific interest do not include those fossils commonly encountered during underground mining operations such as ferns and dinosaur tracks. Skeletal remains shall be considered significant.

STIPULATION 5

The Lessee shall, prior to entry upon the lease, conduct an intensive field inventory for threatened and endangered plant and/or animal species, bald or golden eagles, or migratory species of high Federal interest on those areas to be disturbed and/or impacted including the access routes to the lease area. The inventory shall be conducted by a qualified specialist(s) approved by the Authorized Officer, Surface Management Agency, and a report of the inventory and recommendation for the protection of these species submitted to and approved by the Authorized Officer, Surface Management Agency, and Regional Director or District Mining Supervisor as appropriate. An acceptable report of any findings shall include the specific location, distribution, and habitat requirements of the species. The Lessee shall protect these species within the lease area from any activities associated with operations conducted under the terms of the lease and shall undertake such protective measures as may be required by the Authorized Officer, Surface Management Agency, and Regional Director or District Mining Supervisor as appropriate.

STIPULATION 6

Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to conform with the publication "Suggested Practices for Raptor Protection on Powerlines" (Edison Electric Institute, 1975). When feasible, powerlines will be located at least 100 yards from public roads.

STIPULATION 7

The Lessee shall provide for the suppression and control of fugitive dust on all haul roads, and at coal hauling, transportation, and storage facilities. The migration of road surfacing materials shall be controlled by watering, chemical treatment or hard surfacing. Loss of gravel courses shall be periodically replaced.

STIPULATION 8

In order to avoid surface disturbance on steep canyon slopes and the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specific locations approved by the Regional Director with the concurrence of the Authorized Officer, Surface Management Agency and the District Mining Supervisor.

STIPULATION 9

Prior to mining, the Lessee shall perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. The study will be established in consultation with and approved by the Authorized Officer, Surface Management Agency, the Regional Director, and the District Mining Supervisor and shall be adequate to locate, quantify, and demonstrate the inter-relationship of the geology, topography, surface hydrology, vegetation, and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

STIPULATION 10

The Lessee shall establish a monitoring system to locate, measure, and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology, and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a sufficient number of points over the lease area. The monitoring shall be an extension of the baseline data and shall be conducted by a method approved by the Regional Director in consultation with and concurrence by the Authorized Officer, Surface Management Agency and District Mining Supervisor.

STIPULATION 11

Underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to surface structures, and improvements, and (3) damage or alter the flow of perennial streams. The Lessee in his mining plan shall provide specific measures for the protection of escarpments. The Regional Director in consultation with and concurrence of the District Mining Supervisor and Authorized Officer, Surface Management Agency, shall approved such measures and may prescribe any additional measures to be employed such as mining methods, specify the amount of coal recovered, and determine any corrective measures considered necessary to assure that escarpment failure does not occur except at specifically approved locations, or that hazardous conditions are not created.

STIPULATION 12

Existing surface improvements required for the surface uses of the lease area will need to be protected or maintained to provide for the post-mining continuance of the current land uses. Existing surface improvements whose utility may be lost or damaged as a result of mining activities are to be replaced or restored.

STIPULATION 13

The Lessee shall reclaim all areas disturbed as a result of mining and exploration operations to a land use capable of supporting the premining levels of livestock grazing, big game winter range, and other wildlife habitat.

STIPULATION 14

At the conclusions of the mining operation, or at the request of the Authorized Officer of the Surface Managing Agency, all damaged, disturbed, or displaced land monuments, accessories and appendages shall be replaced or restored in their original location (or at other locations that meet the needs of the land net, and as approved by the Authorized Officer of the Surface Managing Agency) and shall be done at the expense of the Lessee.

United States
Department of
Agriculture

Forest
Service

Manti-LaSal
National Forest

599 West Price River Dr.
Price, Utah 84501

Reply to:2820

Date: September 29, 1997

Douglas M. Koza
Deputy State Director, Mineral Resources
Bureau of Land Management
Utah State Office
324 South State St.
Salt Lake City, Utah 84111-2303

RECEIVED

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Bureau of
Land Management

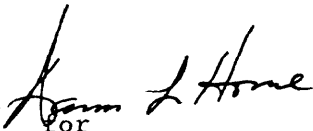
Dear Mr. Koza,

The Forest Service has reviewed Federal Coal Lease U-24317 held by PacifiCorp and Federal Coal Leases U-020668, U-024316, U-38727, and U-46484 held by C.O.P. Coal Development Co, relative to readjustment of the terms and conditions. We have found that the Forest Service stipulations currently included in the lease are consistant with our Forest Plan. The readjustment of the referenced leases may be categorically excluded from an EA or EIS under FSH 1909.15, Chapter 31.1b, Category 2d; proposing changes in contract terms or conditions and conditions of special use authorizations.

We recommend that the lease be readjusted with the Forest Service stipulations as attached. Please note the minor wording changes in Stipulations 2, 3, 16, 17 and 18 (the USDA stipulation).

If you have any questions or concerns relative to this action, please contact Jeff DeFreest, Ferron-Price District geologist, or Carter Reed, Forest Geologist at 599 West Price River Dr. Price, Utah 84501, or call 801-637-2817.

Sincerely,



JANETTE S. KAISER
FOREST SUPERVISOR

cc: Regional Forester

SPECIAL COAL LEASE STIPULATIONS

Federal Regulations 43 CFR 3400 pertaining to Coal Management make provisions for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. All or part of this lease contain lands the surface of which are managed by the United States Department of Agriculture, Forest Service - Manti-La Sal National Forest.

The following stipulations pertain to the Lessee responsibility for mining operations on the lease area and on adjacent areas as may be specifically designated on National Forest System lands.

Forest Service Stipulation #1.

Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the Lessee may be required to conduct a cultural resource inventory and a paleontological appraisal of the areas to be disturbed. These studies shall be conducted by qualified professional cultural resource specialists or qualified paleontologists, as appropriate, and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural or paleontological resources.

If cultural resources or paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the Lessee prior to disturbance shall immediately bring them to the attention of the appropriate authority. Paleontological remains of significant scientific interest do not include leaves, ferns or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #2.

If there is reason to believe that Threatened or Endangered (T&E) species of plants or animals, or migratory bird species of high Federal interest occur in the area, the Lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #3.

The Lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data are adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the interrelationship of the geology, topography, surface and groundwater hydrology, vegetation and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

Forest Service Stipulation #4.

Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

Forest Service Stipulation #5.

The limited area available for mine facilities at the coal outcrop, steep topography, adverse winter weather, and physical limitations on the size and design of access roads, are factors which will determine the ultimate size of the surface area utilized for the mine. A site-specific environmental analysis will be prepared for each new mine site development and for major improvements to existing developments to examine alternatives and mitigate conflicts.

Forest Service Stipulation #6.

Consideration will be given to site selection to reduce adverse visual impacts. Where alternative sites are available, and each alternative is technically feasible, the alternative involving the least damage to the scenery and other resources shall be selected. Permanent structures and facilities will be designed, and screening techniques employed to reduce visual impacts and, where possible, achieve a final landscape compatible with the natural surroundings. The creation of unusual, objectionable, or unnatural landforms and vegetative landscape features will be avoided.

Forest Service Stipulation #7.

The Lessee shall be required to establish a monitoring system to locate, measure and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

Forest Service Stipulation #8.

The Lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal handling and storage facilities. On Forest Development Roads (FDR), Lessees may perform their share of road maintenance by a commensurate share agreement if a significant degree of traffic is generated that is not related to their activities.

Forest Service Stipulation #9.

Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to existing surface structures, and (3) damage or alter the flow of perennial streams. The Lessee shall provide specific measures for the protection of escarpments, and determine corrective measures to assure that hazardous conditions are not created.

Forest Service Stipulation #10.

In order to avoid surface disturbance on steep canyon slopes and to preclude the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specific approved locations.

Forest Service Stipulation #11.

If removal of timber is required for clearing of construction sites, etc., such timber shall be removed in accordance with the regulations of the surface management agency.

Forest Service Stipulation #12.

The coal contained within, and authorized for mining under this lease shall be extracted only by underground mining methods.

Forest Service Stipulation #13.

Existing Forest Service owned or permitted surface improvements will need to be protected, restored, or replaced to provide for the continuance of current land uses.

Forest Service Stipulation #14.

In order to protect big-game wintering areas, elk calving and deer fawning areas, sagegrouse strutting areas, and other key wildlife habitat and/or activities, specific surface uses outside the mine development area may be curtailed during specified periods of the year.

Forest Service Stipulation #15.

Support facilities, structures, equipment, and similar developments will be removed from the lease area within two years after the final termination of use of such facilities. This provision shall apply unless the requirement of Section 10 of the lease form is applicable. Disturbed areas and those areas previously occupied by such facilities will be stabilized and rehabilitated, drainages re-established, and the areas returned to a premining land use.

Forest Service Stipulation #16.

The Lessee, at the conclusion of the mining operation, or at other times as surface disturbance related to mining may occur, will replace all damaged, disturbed or displaced corner monuments (section corners, 1/4 corners, etc.), their accessories and appendages (witness trees, bearing trees, etc.), or restore them to their original condition and location, or at other locations that meet the requirements of the rectangular surveying system. This work shall be conducted at the expense of the Lessee, by a professional land surveyor registered in the State of Utah, and to the standards and guidelines found in the Manual of Surveying Instructions, United States Department of the Interior.

Forest Service Stipulation #17.

The Lessees, at their expense, will be responsible to replace any surface and/or developed groundwater sources identified for protection, that may be lost or adversely affected by mining operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses (authorized by 36 CFR 251).

Forest Service Stipulation #18.

STIPULATION FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
THE DEPARTMENT OF AGRICULTURE

The licensee/permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the license/permit/lease. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of Interior, (2) uses of all existing improvements, such as Forest Development Roads, within and outside the area licensed, permitted or leased by the Secretary of Interior, and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed to:

Forest Supervisor
Manti-La Sal National Forest
599 West Price River Drive
Price, Utah 84501

Telephone No.: 801-637-2817

who is the authorized representative of the Secretary of Agriculture.

Signature of Licensee/Permittee/Lessee



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Mr. Roland G. Robison, Jr.
Utah State Director
Bureau of Land Management
Consolidated Financial Center
324 South State Street
Salt Lake City, UT 84111

UTAH STATE OFFICE 2820

Rt.	Off.	Init.	Date
	SD		
	ASD		
	PAO		
	EEC		
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Action: *Bob L*
Info: _____
Discuss: _____

Stamp: AUG 31 1987
Stamp: SEP - 1 1987

Dear Roland:

We consent to the readjustment of Federal Coal Lease U-38727 for that portion of the lease within the National Forest boundary. Our consent is subject to the 16 stipulations in Appendix A of the enclosed Environmental Assessment.

Federal Coal Lease U-38727 involves National Forest System lands and a detached 80-acre tract of private land which lies outside of the National Forest boundary. The Forest Service and Bureau of Land Management (BLM) jointly decided that the Forest Service would prepare an EA and Finding of No Significant Impact (FONSI)/Decision Notice for the National Forest System lands only.

This action is based on the environmental analysis and resulting EA and is consistent with the Manti-LaSal National Forest Land and Resource Management Plan.

Enclosed are a copy of the Decision Notice/FONSI and the EA.

Sincerely,

J. S. Tixier

J. S. TIXIER
Regional Forester

Enclosures



DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR THE READJUSTMENT OF
FEDERAL COAL LEASE U-38727

PRICE RANGER DISTRICT
MANTI-LASAL NATIONAL FOREST
EMERY COUNTY, UTAH

On March 19, 1986, the Forest Service received notification from the Bureau of Land Management that Federal Coal Lease U-38727 would be subject to readjustment of terms and conditions on May 1, 1988. This notification required conducting an environmental analysis of the proposed action pursuant to the National Environmental Policy Act of 1969. A Forest Service Interdisciplinary (ID) Team met on September 3, 1986 to evaluate the proposal.

Leasing and development will be under the authority of the following authorizing actions: The Mineral Leasing Act of February 25, 1920, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; the Surface Mining Control and Reclamation Act (SMCRA) of 1977; the Multiple Minerals Development Act of August 4, 1977; the National Environmental Policy Act (NEPA) of 1969; the Federal Coal Leasing Amendments Act of 1976, as amended; regulations: Title 43 CFR Group 3400, Group 2800; and Title 30 CFR Group 700; and the Manti-LaSal National Forest Land and Resource Management Plan (Forest Plan) and Final Environmental Impact Statement (FEIS), 1986.

An Environmental Assessment (EA) was prepared under the direction of the Manti-LaSal National Forest Supervisor. Based on the analysis presented in this EA, it is our decision to consent to approval of the proposed readjustment for that portion of the lease within the Forest, subject to the addition of stipulations in Appendix A of the EA. Alternative "B", as described in the EA, is a viable alternative under existing legislation and Forest Service policy, management decisions, and direction. The No Action Alternative was evaluated and determined not to be viable as it would allow continuation of the lease under terms inconsistent with the Forest Plan and FEIS.

This is not a major Federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. This determination was made considering the following factors:

1. No new surface disturbing operations or facilities are proposed at this time. If surface disturbing operations or facilities are proposed in the future, a site-specific environmental assessment will be prepared at that time. Additional stipulations may be specified as needed to protect the environment.
2. The identified impacts, including cumulative effects, can be effectively mitigated to an acceptable level.
3. No known prime or unique farmlands, wetlands, timber lands, or rangelands; floodplains; alluvial valley floors; paleontological or cultural resources; nor threatened, endangered, or sensitive floral or faunal species will be impacted by readjustment of this issue.

4. Readjustment of this lease is consistent with the directions and decisions of the Forest Plan and FEIS, dated November 5, 1986.

Based on this assessment and evaluation, Federal Coal Lease U-38727 should be readjusted by the Bureau of Land Management and shall include the stipulations listed in Appendix A of the EA. The decision is subject to administrative review (appeal) pursuant to 36 CFR 211.18, Secretary of Agriculture Appeal Regulation. A written notice of appeal must be filed with this office within 45 days of the date of this decision.

J. C. Reider
for Regional Forester

8/31/87
Date

ENVIRONMENTAL ASSESSMENT
FOR THE READJUSTMENT OF
FEDERAL COAL LEASE U-38727

PRICE RANGER DISTRICT
MANTI-LASAL NATIONAL FOREST
EMERY COUNTY, UTAH

Responsible Official: J.S. Tixier
Regional Forester
Intermountain Region (R-4)
USDA - Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

For Further Information Contact: George Morris
Forest Supervisor
Manti-LaSal National Forest
599 West Price River Drive
Price, Utah 84501

or: Ira W. Hatch
District Ranger
Price Ranger District
599 West Price River Drive
Price, Utah 84501

Prepared by: Walter E. Nowak, Geologist

ENVIRONMENTAL ASSESSMENT
FOR THE READJUSTMENT OF
FEDERAL COAL LEASE U-38727

I. INTRODUCTION

A. Purpose and Need for Action

The Bureau of Land Management (BLM) notified the Forest Service on March 19, 1986 that Federal Coal Lease U-38727, currently leased to Nevada Electric Investment Company, would be subject to readjustment of terms on May 1, 1988. As the surface managing agency for most of this lease area, the Manti-LaSal National Forest is responsible for conducting an Environmental Assessment (EA) of the proposed action pursuant to the National Environmental Policy Act (NEPA) of 1969. Also, the 1984 Interagency Agreement between the BLM and the Forest Service for Mineral Leasing provides for joint scoping and preparation of a single EA and two-part decision document, if appropriate. On May 6, 1987, the Manti-LaSal National Forest formally solicited input for the subject lease from the Moab District BLM office. It was agreed that the Forest Service would prepare the EA for National Forest System lands involved in the lease and submit the Forest Service Decision Notice to BLM documenting the Forest Service consent decision. This EA will then address the proposed readjustment and identify management requirements for resource protection only for the 660.39 acres of Federal Coal Lease U-38727 that fall within the boundaries of the Manti-LaSal National Forest.

B. Authorizing Actions

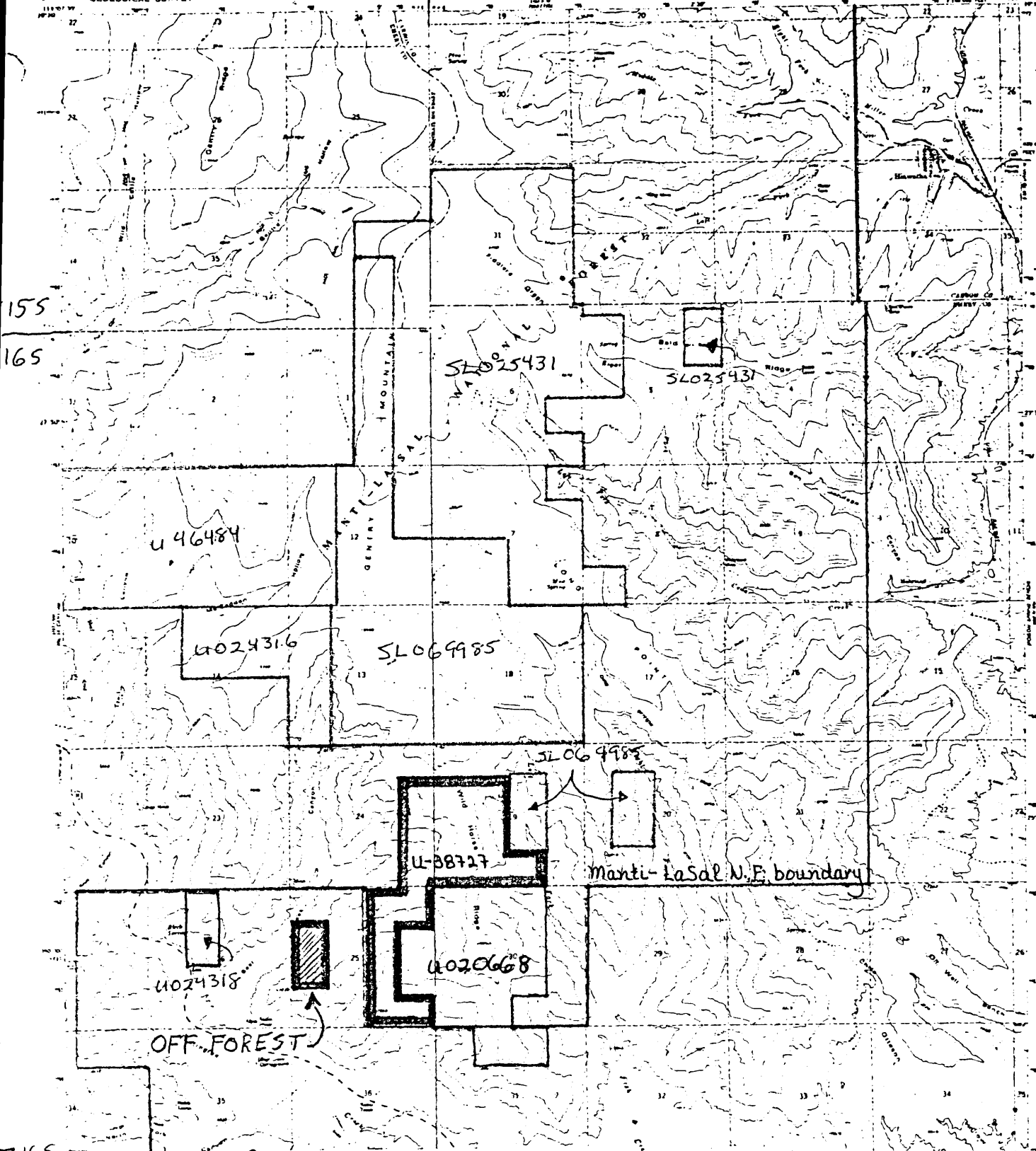
Leasing and development will be under the authority of the following authorizing actions: The Mineral Leasing Act of February 25, 1920, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; the Surface Mining Control and Reclamation Act (SMCRA) of 1977; the Multiple Minerals Development Act of August 4, 1969; the Federal Coal Leasing Amendments Act of 1976, as amended; regulations: Title 43 CFR Group 3400, Group 2800; and Title 30 CFR Group 700; and the Manti-LaSal National Forest Land and Resource Management Plan (Forest Plan) and Final Environmental Impact Statement (FEIS), 1986.

C. Land Description

Federal Coal Lease U-38727 is located in Emery County, Utah, mostly within the Manti-LaSal National Forest, Price Ranger District. It lies near Huntington Canyon on the southern flank of Wild Horse Ridge, along the east-central rim of the Wasatch Plateau coal field (see Map 1). The lease is legally described as follows:

Township 16 South, Range 7 East, SLM, Utah.

Section 24, SE 1/4 NE 1/4, E 1/2 SE 1/4
Section 25, N 1/2 NE 1/4, SW 1/4 NE 1/4, SW 1/4 NW 1/4,
NW 1/4 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4.



COAL LEASE
U-38727

ROAD CLASSIFICATION
Primary highway
Secondary highway
Tertiary highway
Light duty road
Medium duty road
Heavy duty road
U.S. Road
State Road

HIWATHA, UTAH
7.5 MINUTE SERIES (TOPOGRAPHIC)
1972
1:50,000

MAP 1

X

Township 16 South, Range 8 East, SLM, Utah

Section 19, Lots 2, 3, and 4, SE 1/4 NW 1/4, E 1/2 SW 1/4,
SW 1/4 SE 1/4.

The SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 contain 80 acres off Forest, and are privately owned with the coal being U.S. owned and managed by the BLM. The remainder of the lease lands contain 660.39 acres on Forest. The total lease acreage is 740.39 acres.

D. Background

The coal lands currently within lease U-38727 were originally contained in lease U-024318. Lease U-024318 was issued May 1, 1958 to Huntington Corporation who later assigned it, in its entirety, to Peabody Coal Company on June 3, 1971. On December 1, 1977, the BLM approved a partial assignment of part of the lease lands creating a new lease which the BLM assigned serial number U-38727. Thus, Peabody Coal Company retained 80 acres (off-Forest) with the original lease number and Nevada Electric Investment Company acquired 740.39 acres under the subject lease. On August 1, 1983, the lease was assigned by Nevada Electric to Beaver Creek Coal Company who considered development of the property. Beaver Creek conducted a helicopter assisted drilling program and filed the Wild Horse Ridge Mine Plan in 1983. Beaver Creek later decided not to pursue further development, withdrew their mine permit application, and assigned the lease back to Nevada Electric effective October 16, 1986.

On March 16, 1979, the Forest Service completed an environmental assessment/technical examination for readjustment of the subject lease (under the encompassing original lease U-024318). On May 22, 1980, the BLM attempted to readjust the lease terms, but Nevada Electric filed an objection on July 18, 1980. On June 9, 1983, the BLM formally waived its rights to readjust the lease.

E. Mine Development

Two off Forest mining scenarios have been developed for the lease and they are described below. The coal could also be extracted with on-lease shaft facilities, but this might prove to not be economically feasible.

In 1978, United States Fuel Company and Nevada Electric jointly submitted an "informal mining plan" to the U.S. Geological Survey. The plan called for the lease to be mined through the existing Mohrland Mine facilities in Cedar Creek Canyon. The Mohrland Mine is located on private land within the Manti-LaSal National Forest. This informal plan was never pursued by either U.S. Fuel or Nevada Electric.

On April 1, 1983, Beaver Creek Coal Company filed a permit application package with the Utah Division of Oil, Gas and Mining (DOGM) and the Office of Surface Mining (OSM) for their proposed Wild Horse Ridge Mine. The proposal included the subject lease and called for surface facilities off-lease on private land in Bear Canyon to

the west. An exploration road was constructed to the proposed mine site and the coal was faced up for testing. The only other work conducted to exploit the coal resources on the subject lease was the aforementioned drilling program. To date, no further development or exploration activities have been proposed.

F. Issues and Concerns

General public comments were solicited through local newspapers on October 10, 1986. Specific comments on the proposed action were solicited directly from the Emery County Planning and Zoning Commission, the Utah Division of Wildlife Resources and the Southern Utah Association of Governments. No comments or responses have been received to date; therefore, no public issues have been identified.

The Forest Service Interdisciplinary (ID) Team identified the following management concerns:

1. Surface disturbing activities and facilities could adversely affect area resources.
2. Underground mining and subsidence could adversely affect surface and ground water, soils, vegetation, and wildlife.

G. Negative Declaration

The ID Team determined that this action, after mitigation, would cause no impacts on the following: prime or unique rangelands, wetlands, timberlands, or farmlands; floodplains; known cultural or paleontological resources; alluvial valley floors; known Threatened, Endangered, or Sensitive plant or animal species.

II. DESCRIPTION OF ALTERNATIVES

A. No Action Alternative

Consideration of the "No Action" alternative is required by Section 1502.14 (d) of the NEPA, and by the Council of Environmental Quality guidelines as specified in the Federal Register on November 29, 1979. Under this alternative, the terms of the lease would not be changed.

Department of Interior Regulation 43 CFR 3451.1 (a) (1) Federal Coal Management Regulations require that all leases issued prior to August 4, 1976, be subject to readjustment at the end of the current 20-year period and at the end of each 10-year period (under which this lease qualifies), thereafter. The present lease terms do not minimize the impacts to the surface resources to an acceptable level pursuant to the Forest Plan, and new management requirements are needed.

B. Readjustment of Terms Alternative

Department of Interior Regulations 43 CFR 3400.3-1 pertaining to Coal Management make provision for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to

prescribe conditions to insure the use and protection of the lands. This lease contains lands the surface of which are managed by the United States Department of Agriculture, Forest Service, Manti-LaSal National Forest.

The stipulations contained in Appendix A pertain to the Lessee responsibility for mining operations on the lease area on adjacent areas as may be specifically designated on National Forest System (NFS) lands.

III. AFFECTED ENVIRONMENT

The affected environment of the subject areas has been generally described in numerous environmental documents and resource reports prepared for coal leasing and development in this and surrounding areas. Two of these documents are listed for reference in Section VI, Selected Tiering and Reference Documents. There are several resources on the lease for which concern was identified. These resources are essentially unique to the proposal and are under consideration in this document.

A. Topography

The lease area is located on the southern end of Gentry Mountain and situated on the southern end of Wild Horse Ridge overlooking Huntington Canyon. This narrow ridge is carved by Bear Creek, Fish Creek, and two smaller canyons. This area characteristically has steep cliffs and deeply incised drainages. Slopes on canyon walls range from 60 percent to vertical. A "stair-step" appearance is given by the resistant sandstone outcrops mantled by sandstone talus.

B. Geology

The lease area is located on the Wasatch Plateau, a transitional zone between the Basin and Range physiographic province to the west and the Colorado Plateau physiographic province to the east. The Wasatch Plateau has geological characteristics of both provinces.

The rock strata found on the lease are (in order from older to younger): the Star Point Sandstone, Blackhawk Formation, Castlegate Sandstone, Price River Formation, and North Horn Formation. These are essentially flat lying sedimentary rocks; sandstone, limestone, and shale which display interbedding and crossbedding structures, and contain lenticular sandstone bodies. The strata dip about five to eight degrees to the southwest.

Mass movement (rock falls, slumps, soil creep, etc.) is a major consideration on the lease. Along Wild Horse Ridge (especially on the eastern face), slumps are as large as one acre. Further south along the ridge they are small to unnoticeable. All of the slumps and slides occur within the North Horn and Price River Formations. In many cases, springs and seeps are found in close proximity to these movements.

The commercial coal beds on the lease are in the Blackhawk Formation. They occur in the canyon walls between 7,500 and 8,000 feet above sea level. The Blackhawk has an average thickness of about 900 feet on the lease. Its composition varies from sandstones to shales. It contains sandstone lenses, with common fluctuation in bed thicknesses.

Two coal seams of economic importance occur on the lease. The lower seam is the Hiawatha, lying directly above the contact of the Blackhawk and the Star Point sandstone. According to Doelling (1967), it ranges in thickness from six to eight feet. The upper seam is the Blind Canyon which lies about 90 to 100 feet above the Hiawatha. This seam varies in thickness from six to ten feet.

The lease is found to be in a high seismic risk zone. This increases the possibility of mine damage and safety hazards through roof falls, landslides, and rockfalls.

C. Ground water

Ground water surfaces as springs and seeps at elevations ranging from 7,300 to 9,200 feet. The majority of the springs and seeps occur within the Blackhawk Formation between 7,600 and 8,400 feet. Many of the springs are closely associated with lithologic contacts, where there is a change in permeability.

The Price River Formation is found between the Castlegate Sandstone and North Horn Formation. While some of the contact areas do not display any flow of water, there is a notable change in soil moisture content along the upper and lower contacts of the formation which is observed by the growth of riparian vegetation.

Within the North Horn Formation there are four sizeable springs. These occur in intermittent streambeds and may be related to the flow of ground water intersecting the profile of the flow of surface water.

Ground water storage and flow is the direct result of the interrelated geologic and topographic features. The faults and associated sympathetic joints may play a part in the channelization of ground water flow. Canyons and ridges follow the trend of these faults and a few springs are found along them. More frequently, seep areas that are intermittent occur along these faults.

D. Soils

Soils on the lease area have developed from colluvial and residual parent material. Slopes have a general southerly aspect.

Soils are generally less than 20 inches deep. Textures for surface and subsurface soils are very gravelly and cobbly loams and clay loams. Coarse fragments range from 35 to 60 percent. The color of the surface soil is dark brown.

With existing use, the erosion from these soils is estimated to be four tons per acre per year (Land Type 107). Using sediment yield and loss of soil productivity as criteria, this rate is considered low. Disturbance of the soils by activities that completely remove the natural protective surface cover and disrupt the natural physical condition of the soil, is estimated to increase the erosion to between four to seven tons per acre. This rate is considered high. Accelerated erosion will continue at a decreasing rate over time as a protective soil cover becomes established. Since these soils have a low fertility level (due to high coarse fragments, low available water, shallow soils and low organic matter), naturally revegetating to the present vegetative state will take many years. Special revegetative measures (topsoiling, mulching, seeding, fertilizing, etc.) will decrease the time for establishment. Revegetation under these practices will be expensive and still take many years. Rock fall occurs in this unit in areas where the slope is greater than 80 percent; the source being the natural disintegration of the sandstone cliffs. Soil creep occurs mainly on slopes greater than 55 percent. These are generally fine textured soils underlain by decomposed shales. Slump failures were observed near the upper slopes of the area.

E. Climate

The climate of the lease area is generally cool and dry. Precipitation and temperature vary with elevation. Storage rain gages at similar elevations in nearby Joe's Valley average 14.6 inches at valley stations to 19 inches on ridges. Most of the precipitation, approximately two-thirds, comes in the form of snow during the months of October through April. The maximum snow accumulation occurs about the first of March each year. Snow depths average about 27 inches. Snow accumulation varies considerably with local topography. The eastern sides of ridges and the north-facing slopes accumulate the most snow. South-facing slopes are snow-free for much of the winter.

The thermal characteristics vary with elevation. Mean annual temperatures vary from 43.5 degrees Fahrenheit in the bottom of Bear Canyon to 32 degrees Fahrenheit on Wild Horse Ridge. The annual frost-free periods for these same sites are 100 days and 40 days respectively. Mean maximum and minimum temperatures for January are 28 degrees Fahrenheit and 18 degrees Fahrenheit respectively. July mean maximum and minimum temperatures are 84 degrees Fahrenheit and 52 degrees Fahrenheit respectively.

F. Hydrology

The hydrologic properties of the lease area are highly variable. The source and magnitude of surface runoff vary with land condition, elevation, geology and soils. Using aerial photography to denote this variation, two areas were delineated by hydrologic responses and grouped. The Incipient Runoff Area comprises the more gently sloping top of the elongate Wild Horse Ridge. The High Runoff-Flood Source Area comprises the remainder of the lease area. The hydrologic response groups are summarized as follows:

Incipient Runoff Group - This group produces small amounts of surface runoff nearly every year. High intensity storms produce overland flow. Snowmelt also produces runoff. Drainage patterns are weakly incised on side slopes, but may have deep cross sections where rills empty into stream channels. Valley bottoms have good potential for mitigating short-term impacts, but can produce very large amounts of sediment if disturbed for a sustained period of several seasons. Sediment delivery from this group is generally high if not buffered.

High Runoff-Flood Source Group - This group has a high runoff potential and presents the greatest problems due to steep slopes and sparse vegetation. Soil cover is minimal. Summer runoff may generate high flow rates. In 1976, the left fork of Bear Canyon was the source area for a mud rock flow which caused considerable damage to a bridge down canyon. Much of the area covered by this group has the potential to create this type of flow, and severely increase sediment production and transport with high intensity runoff.

The lease area is within the drainages of Fish Creek and Bear Creek both of which are tributary to Huntington Creek. Huntington Creek is part of the municipal water supply for the community of Huntington. Huntington Creek is the industrial water supply for the Huntington Power Plant. Increased sediment in the water of Huntington Creek will increase the operating costs for both water supplies. There is no available water quality data for Fish Creek. Samples of Bear Creek from 1982 to 1984 show suspended solids range from 342 to 20,000 parts per million. The sediment source is the unstable slopes of the canyon.

Any development that would aggravate the instability and/or increase the sediment loads should be avoided.

G. Wildlife and Fish

The lease falls within the Utah Division of Wildlife Resources deer herd unit #34 and elk herd unit #12. Most of the big game use was found to be in the mahogany, aspen, and sagebrush cover types. The use in these cover types averaged 10, 12, and 17 deer days per acre, respectively. The elk use was concentrated primarily in the mahogany type, amounting to an average 18 elk days per acre. Deer use this area for summer and some winter range, pulling back into the timber for cover.

The diversity of vegetative types on the leases supports a diverse wildlife population. Besides deer and elk, other game and fur-bearing species may include: black bear, cougar, bobcat, red fox, grey fox, badger, coyote, snowshoe hare, and mink. Avifauna of the area may include several species of hawks, owls, Golden Eagle, jays, and sparrows. Because of the diversity of habitat components, there are probably many small mammals and songbirds found on the lease sites which are too numerous to list in detail in this report.

There are no fisheries within the lease but Bear Creek flows into Huntington Creek, which is an important fishery. Most of the more valuable fishery sections of Huntington Creek are upstream from the lease areas.

The lease area was investigated for Threatened or Endangered animal species. There are no Threatened or Endangered wildlife species known to inhabit the lease area.

The Endangered American Bald Eagle is known to winter throughout this region.

H. Vegetation

Coniferous tree species such as the Douglas fir, Englemann spruce, and both alpine and white fir occur on the north and east slopes in the canyons. Some Quaking aspen is found growing on the wetter benches and in the canyon bottoms. Bristlecone pine and some limber pine can be found growing on the higher elevation, open rocky, windy, exposed ridgetops.

Utah juniper and pinyon pine dominate the vegetation on the south and west slopes. Within the area, sagebrush, rabbit brush, mountain mahogany, serviceberry, snowberry, and wood rose are the shrubby plant species that are found within the area. Grass that is found on the steep south slopes is mostly hard grass and red fescue. Wheat grass, bromes, and needle grass are common on the slope and in the canyon bottoms.

There are many species of forbs common to this lease area. The canyon sweetvetch (*Hedysarum occidentale* var. *cannone*), a sensitive plant species, is also known to occur in the canyon bottoms just outside the lease area in lower Bear Creek. This plant could be within the lease area.

IV. ENVIRONMENTAL CONSEQUENCES

A. Effects of Implementation

There would be no effects to the environment unless coal is produced from the lease and/or surface disturbing operations are conducted.

If the lease is mined, effects would result from deformation of the overburden and subsidence of the land surface. Additional effects would result from any surface disturbing activities such as coal exploration, construction of surface facilities for mining and the other activity associated with surface operations.

The environmental consequences for both alternatives will be essentially the same but may differ in magnitude. Under the terms and conditions contained in the existing lease (No Action Alternative), the environmental consequences may not be as thoroughly mitigated and potential operators may not receive advance notice of requirements for developments of the lease.

If the lease is readjusted, the stipulations contained in Appendix A would be included in the lease and the anticipated effects would be mitigated to the maximum degree practical.

B. Short-Term and Residual Impacts

Surface disturbing operations would result in degradation of surface water quality, increased soil erosion, removal of vegetation and the associated disturbance to wildlife from human activities and presence.

If the lease is mined, subsidence would occur at the surface. The amount and extent of subsidence would depend on the mining method, configuration of the workings, number of seams mined and the geologic factors which control the strength of the overburden. Stresses and deformations produced in mine workings, other coal seams and the overburden may effect mine safety, extraction efficiency, ground water flow and the surface environment.

Subsidence begins almost immediately upon mining and may continue for many years after the working area is abandoned. The rate, extent and amount of subsidence will vary with the geologic conditions and mining operations.

It is expected that mining and subsidence will have an effect upon the natural ground water flow which may, in turn, result in effects to surface water, soils, vegetation, wildlife habitat and land uses.

C. Short-Term Use Vs. Long-Term Productivity

Construction of facilities and operations would involve long-term uses and disturbance. The duration would be dependent on the life of the mining operation and the additional time required for revegetation of the disturbed areas following reclamation.

Underground mining and subsidence could involve long-term alteration of the ground water flow and associated effects to surface resources. The long-term productivity could be altered as drainages, soils and vegetation gradually adjust to any modified ground water conditions. The productivity could decrease or increase depending on the amount of available water.

D. Irreversible and Irretrievable Commitment of Resources

The resources that would be consumed in coal extraction would not be retrievable, and not available to be used elsewhere once expended. After the coal is mined, its' use by future generations would be irreversibly lost, and the coal left in the ground would not be retrieved.

Subsidence may result in the irretrievable commitment of some of the discussed resources.

E. Cumulative Effects

There are no cumulative effects associated with the readjustment of this lease. Cumulative effects resulting from mining coal could include the effects from subsidence, the effects associated with surface disturbing operations such as coal exploration and construction of mining facilities, and the human activity from continued operations as exists on mines in adjacent areas.

V. PERSONNEL AND PUBLIC DEVELOPMENT

A. Forest Service Interdisciplinary Team

Brent Barney, Civil Engineer
Bill Boley, Forest Engineer
Jo Ellis, Geologist
Lee Foster, Forest Planner
Ira Hatch, District Ranger
Jim Jensen, Landscape Architect
Dennis Kelly, Hydrologist
Dan Larsen, Soil Scientist
Leland Matheson, Range Conservationist
Walter Nowak, Geologist - Team Leader
Carter Reed, Geologist
Gary Say, Forester
Bob Thompson, T&E Specialist

B. Other Organizational and Public Involvement

See section I. F. of this EA.

VI. SELECTED TIERING AND REFERENCE DOCUMENTS

- A. Environmental Assessment/Technical Examination for the Readjustment of Federal Coal Lease U-024318, 3/16/79.
- B. Manti-LaSal National Forest Environmental Impact Statement and Land and Resource Management Plan, 11/86.

APPENDIX A

SPECIAL STIPULATIONS

Federal Regulations 43 CFR 3400 pertaining to Coal Management make provisions for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. All or part of this lease contain lands the surface of which are managed by the United States Department of Agriculture, Forest Service - Manti-LaSal National Forest.

The following stipulations pertain to the Lessee responsibility for mining operations on the lease area and on adjacent areas as may be specifically designated on National Forest System lands.

Forest Service Stipulation #1.

Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the Lessee may be required to conduct a cultural resource inventory and a paleontological appraisal of the areas to be disturbed. These studies shall be conducted by qualified professional cultural resource specialists or qualified paleontologists, as appropriate, and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural or paleontological resources.

If cultural resources or paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the Lessee prior to disturbance shall immediately bring them to the attention of the appropriate authority. Paleontological remains of significant scientific interest do not include leaves, ferns or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #2.

If there is reason to believe that threatened or endangered (T&E) species of plants or animals, or migratory bird species of high Federal interest occur in the area, the Lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #3.

The Lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data is adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the inter-relationship of the geology, topography, surface hydrology, vegetation and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

Forest Service Stipulation #4.

Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

Forest Service Stipulation #5.

The limited area available for mine facilities at the coal outcrop, steep topography, adverse winter weather, and physical limitations on the size and design of the access road, are factors which will determine the ultimate size of the surface area utilized for the mine. A site specific environmental analysis will be prepared for each new mine site development and for major improvements to existing developments to examine alternatives and mitigate conflicts.

Forest Service Stipulation #6.

The Lessee shall be required to establish a monitoring system to locate, measure and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

Forest Service Stipulation #7.

The Lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal handling and storage facilities. On Forest Development Roads (FDR), Lessees may perform their share of road maintenance by a commensurate share agreement if a significant degree of traffic is generated that is not related to their activities.

Forest Service Stipulation #8.

Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to existing surface structures, and (3) damage or alter the flow of perennial streams. The Lessee shall provide specific measures for the protection of escarpments, and determine corrective measures to assure that hazardous conditions are not created.

Forest Service Stipulation #9.

In order to avoid surface disturbance on steep canyon slopes and to preclude the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specific approved locations.

Forest Service Stipulation #10.

If removal of timber is required for clearing of construction sites, etc., such timber shall be removed in accordance with the regulations of the surface management agency.

Forest Service Stipulation #11.

The coal contained within, and authorized for mining under this lease shall be extracted only by underground mining methods.

Forest Service Stipulation #12.

Existing Forest Service owned or permitted surface improvements will need to be protected, restored, or replaced to provide for the continuance of current land uses.

Forest Service Stipulation #13.

In order to protect big game wintering areas, elk calving and deer fawning areas, sagegrouse strutting areas, and other critical wildlife habitat and/or activities, specific surface uses outside the mine development area may be curtailed during specified periods of the year.

Forest Service Stipulation #14.

The Lessee, at the conclusion of the mining operation, or at other times as surface disturbance related to mining may occur, will replace all damaged, disturbed or displaced corner monuments (section corners, 1/4 corners, etc.) their accessories and appendages (witness trees, bearing trees, etc.) or restore them to their original condition and location, or at other locations that meet the requirements of the rectangular surveying system. This work shall be conducted at the expense of the Lessee, by a professional land surveyor registered in the State of Utah, and to the standards and guidelines found in the Manual of Surveying Instructions, United States Department of the Interior.

Forest Service Stipulation #15.

The Lessees, at their expense, will be responsible to replace any surface water identified for protection, that may be lost or adversely affected by mining operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses.

STIPULATION FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
THE DEPARTMENT OF AGRICULTURE

The licensee/permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the license/prospecting permit/lease. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of Interior, (2) uses of all existing improvements, such as Forest development roads, within and outside the area licensed, permitted or leased by the Secretary of Interior, and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed

to Forest Supervisor
Manti-LaSal National Forest
599 West Price River Drive
Price, Utah 84501

Telephone No.: 801-637-2817

who is the authorized representative of the Secretary of Agriculture.

Signature of Licensee/Permittee/Lessee



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2820

UTAH STATE OFFICE		Date
RL	CHL	
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	ECO	
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	U.S. Forest Service	
	Adm. Serv.	
Action: <i>Bob L</i>		
Info:		
Discuss:		

08/26 9/2/87

AUG 31 1987

Mr. Roland G. Robison, Jr.
Utah State Director
Bureau of Land Management
Consolidated Financial Center
324 South State Street
Salt Lake City, UT 84111

Dear Roland:

Lease U-020668 involves adjoining National Forest System and Bureau of Land Management (BLM) lands. It was decided in consultation with the BLM that the Manti-LaSal National Forest would prepare the Environmental Assessment (EA) for this entire lease and a joint Decision Notice/Finding of No Significant Impact (FONSI) would be prepared.

We consent to the readjustment of Federal Coal Lease U-020668 for that portion of the lease within the National Forest boundary. The consent is subject to the 16 stipulations in Appendix A of the enclosed EA.

This action is based on the environmental analysis and resulting EA and is consistent with the Manti-LaSal National Forest Land and Resource Management Plan.

Enclosed are a copy of the Decision Notice/FONSI and the EA.

Sincerely,

J. S. Tixier
J. S. TIXIER
Regional Forester

Enclosures



DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR THE READJUSTMENT OF
FEDERAL COAL LEASE U-020668

USDA FOREST SERVICE
INTERMOUNTAIN REGION (R-4)
MANTI-LASAL NATIONAL FOREST
PRICE RANGER DISTRICT

USDI BUREAU OF LAND MANAGEMENT
STATE OF UTAH
MOAB DISTRICT
SAN RAFAEL RESOURCE AREA

On March 19, 1986, the Forest Service received notification from the Bureau of Land Management that Federal Coal Lease U-020668 would be subject to readjustment of terms and conditions on May 1, 1988. This notification required conducting an environmental analysis of the proposed action pursuant to the National Environmental Policy Act of 1969. A Forest Service Interdisciplinary (ID) Team met on September 3, 1986 to evaluate the proposal. As the surface management agency for the majority of the lease, the Forest Service prepared the Environmental Assessment (EA) in consultation with the Bureau of Land Management.

Leasing and development will be under the authority of the following authorizing actions: The Mineral Leasing Act of February 25, 1920, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; the Surface Mining Control and Reclamation Act (SMCRA) of 1977; the Multiple Minerals Development Act of August 4, 1977; the National Environmental Policy Act (NEPA) of 1969; the Federal Coal Leasing Amendments Act of 1976, as amended; regulations: Title 43 CFR Group 3400, Group 2800; and Title 30 CFR Group 700; and the Manti-LaSal National Forest Land and Resource Management Plan and Final Environmental Impact Statement, 1986.

Based on the EA, the responsible officials of the Forest Service and Bureau of Land Management have decided that readjustment of the lease, subject to the stipulations contained in Appendix A of the EA, is a viable alternative under existing laws, regulations, policies, management decisions, and direction. The No Action Alternative was evaluated and determined not to be viable as it would allow continuation of the lease under terms inconsistent with the Manti-LaSal National Forest Land and Resource Management Plan and Final Environmental Impact Statement, 1986.

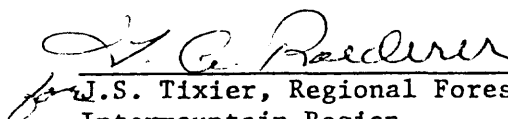
Based on the analysis presented in this EA, the Forest Service consents to approval of the proposed readjustment for that portion of the lease within the Forest, subject to the stipulations in Appendix A of the EA.

This is not a major Federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. This determination was made considering the following factors:

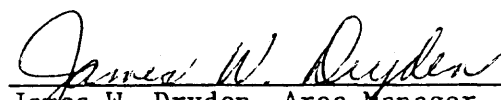
1. No new surface disturbing operations or facilities are proposed at this time. If surface disturbing operations or facilities are proposed in the future, a site-specific environmental assessment will be prepared at that time. Additional stipulations may be specified as needed to protect the environment.

2. The identified impacts, including cumulative effects, can be effectively mitigated to an acceptable level.
3. No known prime or unique farmlands, wetlands, timber lands, or rangelands; floodplains; alluvial valley floors; paleontological or cultural resources; nor threatened, endangered, or sensitive floral or faunal species will be impacted by readjustment of this lease.
4. Readjustment of this lease is consistent with the directions and decisions of the Manti-LaSal National Forest Land and Resource Management Plan and Final Environmental Impact Statement, 1986.

The Forest Service decision regarding National Forest System lands is subject to administrative review (appeal) pursuant to 36 CFR 211.18, Secretary of Agriculture Appeal Regulation. A written notice of appeal must be filed with the Intermountain Regional Office in Ogden, Utah, within 45 days of the date of this decision.


J.S. Tixier, Regional Forester
Intermountain Region

8/31/87
Date


James W. Dryden, Area Manager
San Rafael Resource Area

8/18/87
Date

ENVIRONMENTAL ASSESSMENT
FOR THE READJUSTMENT OF
FEDERAL COAL LEASE U-020668

PRICE RANGER DISTRICT
MANTI-LASAL NATIONAL FOREST
EMERY COUNTY, UTAH

Responsible Official: J.S. Tixier
Regional Forester
Intermountain Region (R-4)
USDA - Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

For Further Information Contact: George Morris
Forest Supervisor
Manti-LaSal National Forest
599 West Price River Drive
Price, Utah 84501

or: Ira W. Hatch
District Ranger
Price Ranger District
599 West Price River Drive
Price, Utah 84501

Prepared by: Walter E. Nowak, Geologist

ENVIRONMENTAL ASSESSMENT
FOR THE READJUSTMENT OF
FEDERAL COAL LEASE U-020668

I. INTRODUCTION

A. Purpose and Need for Action

The Bureau of Land Management (BLM) notified the Forest Service on March 19, 1986 that Federal Coal Lease U-020668, currently leased to Nevada Electric Investment Co., would be subject to readjustment of terms on May 1, 1988. The lease encompasses both National Forest System and BLM lands. As the surface managing agency for most of this lease area, the Manti-LaSal National Forest is responsible for conducting an Environmental Assessment (EA) of the proposed action pursuant to the National Environmental Policy Act (NEPA) of 1969. Also, the 1984 Interagency Agreement between the BLM and the Forest Service for Mineral Leasing provides for joint scoping and preparation of a single EA and two-part decision document, if appropriate. It was agreed that the Forest Service would be the lead agency and prepare the EA for the entire lease. This EA will then address the proposed readjustment for the entire lease and identify management requirements for resource protection.

B. Authorizing Actions

Leasing and development will be under the authority of the following authorizing actions: The Mineral Leasing Act of February 25, 1920, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; the Surface Mining Control and Reclamation Act (SMCRA) of 1977; the Multiple Minerals Development Act of August 4, 1969; the Federal Coal Leasing Amendments Act of 1976, as amended; regulations: Title 43 CFR Group 3400, Group 2800; and Title 30 CFR Group 700; and the Manti-LaSal National Forest Land and Resource Management Plan (Forest Plan) and Final Environmental Impact Statement (FEIS), 1986.

C. Land Description

Federal Coal Lease U-020668 is located in Emery County, Utah, mostly within the Manti-LaSal National Forest, Price Ranger District. It lies near Huntington Canyon on the southern flank of Wild Horse Ridge, along the east-central rim of the Wasatch Plateau coal field (see Map 1). The lease is legally described as follows:

Township 16 South, Range 7 East, SLM, Utah.
Section 25, SE 1/4 NE 1/4, NE 1/4 SE 1/4

Township 16 South, Range 8 East, SLM, Utah.
Section 30, W 1/2, W 1/2 NE 1/4, NW 1/4 SE 1/4
Section 31, NE 1/4 NW 1/4, NW 1/4 NE 1/4

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

R7E R8E

STATE OF UTAH
UTAH GEOLOGICAL AND MINERAL SURVEY

HIWATHA QUADRANGLE
UTAH
15 MINUTE SERIES (TOPOGRAPHIC)
Scale 1:62,500

T15S

T16S

N

U46489

U024316

SL069985

U020668

U38727

Manti-Ea Sal N.F. boundary

OFF-FOREST
BLM

T16S

T17S

Coal Lease
U 020668

MAP 1

SCALE 1:62,500
CONTOUR INTERVAL 40 FEET
NATIONAL GEODETIC DATUM 1983

ROAD CLASSIFICATION
Primary Highway
Secondary Highway
Tertiary Highway
Unimproved Road
Scale 1:62,500

HIWATHA, UTAH
15 MINUTE SERIES (TOPOGRAPHIC)
Scale 1:62,500

The lands in Section 31 are off Forest and contain 80 acres managed by the BLM. The remainder of the lease lands contain 546.32 acres on Forest. The total lease acreage is 626.32.

D. Background

Lease U-020668 was issued on May 1, 1958 to Huntington Corporation of Nevada (later called Rilda Corporation and Huntington Corporation of Menlo Park, California). In 1971, Huntington Corporation transferred ownership of the lease to Peabody Coal Company. In 1977, Peabody Coal Company transferred the lease to Nevada Electric Investment Company. On August 1, 1983, the lease was assigned by Nevada Electric to Beaver Creek Coal Company who considered development of the property. Beaver Creek conducted a helicopter assisted drilling program and filed the Wild Horse Ridge Mine Plan in 1983. Beaver Creek later decided not to pursue further development, withdrew their mine permit application, and assigned the lease back to Nevada Electric effective October 16, 1986.

On March 16, 1979, the Forest Service completed an environmental assessment/technical examination for readjustment of the subject lease. On May 22, 1980, the BLM attempted to readjust the lease terms, but Nevada Electric filed an objection on July 18, 1980. On June 9, 1983, the BLM formally waived its rights to readjust the lease.

E. Mine Development

Two mining scenarios (both off Forest) have been developed for the lease and they are described below. The coal could also be extracted with on-lease shaft facilities, but this might prove to not be economically feasible.

In 1978, United States Fuel Company and Nevada Electric jointly submitted an "informal mining plan" to the U.S. Geological Survey. The plan called for the lease to be mined through the existing Mohrland Mine facilities in Cedar Creek Canyon. The Mohrland Mine is located on private land within the Manti-LaSal National Forest. This informal plan was never pursued by either U.S. Fuel or Nevada Electric.

On April 1, 1983, Beaver Creek Coal Company filed a permit application package with the Utah Division of Oil, Gas and Mining (DOGM) and the Office of Surface Mining (OSM) for their proposed Wild Horse Ridge Mine. The proposal included the subject lease and called for surface facilities off-lease on private land in Bear Canyon to the west. An exploration road was constructed to the proposed mine site and the coal was faced up for testing. The only other work conducted to exploit the coal resources on the subject lease was the aforementioned drilling program. To date, no further development or exploration activities have been proposed.

F. Issues and Concerns

General public comments were solicited through local newspapers on October 10, 1986. Specific comments on the proposed action were solicited directly from the Emery County Planning and Zoning Commission, the Utah Division of Wildlife Resources and the Southern Utah Association of Governments. No comments or responses have been received to date; therefore, no public issues have been identified.

The Forest Service Interdisciplinary (ID) Team identified the following management concerns:

1. Surface disturbing activities and facilities could adversely affect area resources.
2. Underground mining and subsidence could adversely affect surface and ground water, soils, vegetation, and wildlife.

G. Negative Declaration

The ID Team determined that this action, after mitigation, would cause no impacts on the following: prime or unique rangelands, wetlands, timberlands, or farmlands; floodplains; known cultural or paleoecological resources; alluvial valley floors; known Threatened, Endangered, or Sensitive plant or animal species.

II. DESCRIPTION OF ALTERNATIVES

Action Alternative

Consideration of the "No Action" alternative is required by Section 1502.14 (d) of the NEPA, and by the Council of Environmental Quality guidelines as specified in the Federal Register on November 29, 1979. Under this alternative, the terms of the lease would not be changed.

Department of Interior Regulation 43 CFR 3451.1 (a) (1) Federal Coal Management Regulations require that all leases issued prior to August 4, 1976, be subject to readjustment at the end of the current 20-year period and at the end of each 10-year period (under which this lease qualifies), thereafter. The present lease terms do not minimize the impacts to the surface resources to an acceptable level pursuant to the Forest Plan, and new management requirements are needed.

B. Readjustment of Terms Alternative

Department of Interior Regulations 43 CFR 3400.3-1 pertaining to Coal Management make provision for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. This lease contains lands the surface of which are managed by the United States Department of Agriculture, Forest Service, Manti-LaSal National Forest.

The stipulations contained in Appendix A pertain to the Lessee responsibility for mining operations on the lease and adjacent area.

III. AFFECTED ENVIRONMENT

The affected environment of the subject areas has been generally described in numerous environmental documents and resource reports prepared for coal leasing and development in this and surrounding areas. Two of these documents are listed for reference in Section VI, Selected Tiering and Reference Documents. There are several resources on the lease for which concern was identified. These resources are essentially unique to the proposal and are under consideration in this document.

A. Topography

The lease area is located on the southern end of Gentry Mountain and situated on the southern end of Wild Horse Ridge overlooking Huntington Canyon. This narrow ridge is carved by Bear Creek, Fish Creek, and two smaller canyons. This area characteristically has steep cliffs and deeply incised drainages. Slopes on canyon walls range from 60 percent to vertical. A "stair-step" appearance is given by the resistant sandstone outcrops mantled by sandstone talus.

B. Geology

The lease area is located on the Wasatch Plateau, a transitional zone between the Basin and Range physiographic province to the west and the Colorado Plateau physiographic province to the east. The Wasatch Plateau has geological characteristics of both provinces.

The rock strata found on the lease are (in order from older to younger): the Star Point Sandstone, Blackhawk Formation, Castlegate Sandstone, Price River Formation, and North Horn Formation. These are essentially flat lying sedimentary rocks; sandstone, limestone, and shale which display interbedding and crossbedding structures, and contain lenticular sandstone bodies. The strata dip about five to eight degrees to the southwest.

Mass movement (rock falls, slumps, soil creep, etc.) is a major consideration on the lease. Along Wild Horse Ridge (especially on the eastern face), slumps are as large as one acre. Further south along the ridge they are small to unnoticeable. All of the slumps and slides occur within the North Horn and Price River Formations. In many cases, springs and seeps are found in close proximity to these movements.

The commercial coal beds on the lease are in the Blackhawk Formation. They occur in the canyon walls between 7,500 and 8,000 feet above sea level. The Blackhawk has an average thickness of about 900 feet on the lease. Its composition varies from sandstones to shales. It contains sandstone lenses, with common fluctuation in bed thicknesses.

Two coal seams of economic importance occur on the lease. The lower seam is the Hiawatha, lying directly above the contact of the Blackhawk and the Star Point sandstone. According to Doelling (1967), it ranges in thickness from six to eight feet. The upper seam is the Blind Canyon which lies about 90 to 100 feet above the Hiawatha. This seam varies in thickness from six to ten feet.

The lease is found to be in a high seismic risk zone. This increases the possibility of mine damage and safety hazards through roof falls, landslides, and rockfalls.

C. Ground water

Ground water surfaces as springs and seeps at elevations ranging from 7,300 to 9,200 feet. The majority of the springs and seeps occur within the Blackhawk Formation between 7,600 and 8,400 feet. Many of the springs are closely associated with lithologic contacts, where there is a change in permeability.

The Price River Formation is found between the Castlegate Sandstone and North Horn Formation. While some of the contact areas do not display any flow of water, there is a notable change in soil moisture content along the upper and lower contacts of the formation which is observed by the growth of riparian vegetation.

Within the North Horn Formation there are four sizeable springs. These occur in intermittent streambeds and may be related to the flow of ground water intersecting the profile of the flow of surface water.

Ground water storage and flow is the direct result of the interrelated geologic and topographic features. The faults and associated sympathetic joints may play a part in the channelization of ground water flow. Canyons and ridges follow the trend of these faults and a few springs are found along them. More frequently, seep areas that are intermittent occur along these faults.

D. Soils

Soils on the lease area have developed from colluvial and residual parent material. Slopes have a general southerly aspect.

Soils are generally less than 20 inches deep. Textures for surface and subsurface soils are very gravelly and cobbly loams and clay loams. Coarse fragments range from 35 to 60 percent. The color of the surface soil is dark brown.

With existing use, the erosion from these soils is estimated to be four tons per acre per year (Land Type 107). Using sediment yield and loss of soil productivity as criteria, this rate is considered low. Disturbance of the soils by activities that completely remove the natural protective surface cover and disrupt the natural physical condition of the soil, is estimated to increase the erosion to between four to seven tons per acre. This rate is considered high. Accelerated erosion will continue at a decreasing rate over time as a

protective soil cover becomes established. Since these soils have a low fertility level (due to high coarse fragments, low available water, shallow soils and low organic matter), naturally revegetating to the present vegetative state will take many years. Special revegetative measures (topsoiling, mulching, seeding, fertilizing, etc.) will decrease the time for establishment. Revegetation under these practices will be expensive and still take many years. Rock fall occurs in this unit in areas where the slope is greater than 80 percent; the source being the natural disintegration of the sandstone cliffs. Soil creep occurs mainly on slopes greater than 55 percent. These are generally fine textured soils underlain by decomposed shales. Slump failures were observed near the upper slopes of the area.

E. Climate

The climate of the lease area is generally cool and dry. Precipitation and temperature vary with elevation. Storage rain gages at similar elevations in nearby Joe's Valley average 14.6 inches at valley stations to 19 inches on ridges. Most of the precipitation, approximately two-thirds, comes in the form of snow during the months of October through April. The maximum snow accumulation occurs about the first of March each year. Snow depths average about 27 inches. Snow accumulation varies considerably with local topography. The eastern sides of ridges and the north-facing slopes accumulate the most snow. South-facing slopes are snow-free for much of the winter.

The thermal characteristics vary with elevation. Mean annual temperatures vary from 43.5 degrees Fahrenheit in the bottom of Bear Canyon to 32 degrees Fahrenheit on Wild Horse Ridge. The annual frost-free periods for these same sites are 100 days and 40 days respectively. Mean maximum and minimum temperatures for January are 28 degrees Fahrenheit and 18 degrees Fahrenheit respectively. July mean maximum and minimum temperatures are 84 degrees Fahrenheit and 52 degrees Fahrenheit respectively.

F. Hydrology

The hydrologic properties of the lease area are highly variable. The source and magnitude of surface runoff vary with land condition, elevation, geology and soils. Using aerial photography to denote this variation, two areas were delineated by hydrologic responses and grouped. The Incipient Runoff Area comprises the more gently sloping top of the elongate Wild Horse Ridge. The High Runoff-Flood Source Area comprises the remainder of the lease area. The hydrologic response groups are summarized as follows:

Incipient Runoff Group - This group produces small amounts of surface runoff nearly every year. High intensity storms produce overland flow. Snowmelt also produces runoff. Drainage patterns are weakly incised on side slopes, but may have deep cross sections where rills empty into stream channels. Valley bottoms

have good potential for mitigating short-term impacts, but can produce very large amounts of sediment if disturbed for a sustained period of several seasons. Sediment delivery from this group is generally high if not buffered.

High Runoff-Flood Source Group - This group has a high runoff potential and presents the greatest problems due to steep slopes and sparse vegetation. Soil cover is minimal. Summer runoff may generate high flow rates. In 1976, the left fork of Bear Canyon was the source area for a mud rock flow which caused considerable damage to a bridge down canyon. Much of the area covered by this group has the potential to create this type of flow, and severely increase sediment production and transport with high intensity runoff.

Portions of the lease area drain through Fish Creek into Huntington Creek. The rest of the lease drains through two small ephemeral channels into Hunting Creek. Huntington Creek provides a portion of the municipal water supply for the community of Huntington. Huntington Creek is the industrial water supply for the Huntington Power Plant. The major water use is for irrigation. Increased sediment in the water of Huntington Creek will increase the operating costs for all water supplies. There is no available water quality data for Fish Creek.

Water quality in Huntington Creek is a concern. Any activity that would add sediment or other materials into the stream should be avoided.

G. Wildlife and Fish

The lease falls within the Utah Division of Wildlife Resources deer herd unit #34 and elk herd unit #12. Most of the big game use was found to be in the mahogany, aspen, and sagebrush cover types. The use in these cover types averaged 10, 12, and 17 deer days per acre, respectively. The elk use was concentrated primarily in the mahogany type, amounting to an average 18 elk days per acre. Deer use this area for summer and some winter range, pulling back into the timber for cover.

The diversity of vegetative types on the leases supports a diverse wildlife population. Besides deer and elk, other game and fur-bearing species may include: black bear, cougar, bobcat, red fox, grey fox, badger, coyote, snowshoe hare, and mink. Avifauna of the area may include several species of hawks, owls, Golden Eagle, jays, and sparrows. Because of the diversity of habitat components, there are probably many small mammals and songbirds found on the lease sites which are too numerous to list in detail in this report.

There are no fisheries within the lease but Fish Creek flows into Huntington Creek, which is an important fishery. Most of the more valuable fishery sections of Huntington Creek are upstream from the lease areas.

The lease area was investigated for Threatened or Endangered animal species. There are no Threatened or Endangered wildlife species known to inhabit the lease area.

The Endangered American Bald Eagle is known to winter throughout this region.

H. Vegetation

Coniferous tree species such as the Douglas fir, Englemann spruce, and both alpine and white fir occur on the north and east slopes in the canyons. Some Quaking aspen is found growing on the wetter benches and in the canyon bottoms. Bristlecone pine and some limber pine can be found growing on the higher elevation, open rocky, windy, exposed ridgetops.

Utah juniper and pinyon pine dominate the vegetation on the south and west slopes. Within the area, sagebrush, rabbit brush, mountain mahogany, serviceberry, snowberry, and wood rose are the shrubby plant species that are found within the area. Grass that is found on the steep south slopes is mostly hard grass and red fescue. Wheat grass, bromes, and needle grass are common on the slope and in the canyon bottoms.

There are many species of forbs common to this lease area. The canyon sweetvetch (*Hedysarum occidentale* var. *cannone*), a sensitive plant species, is also known to occur in the canyon bottoms just outside the lease area in lower Bear Creek. This plant could be within the lease area.

IV. ENVIRONMENTAL CONSEQUENCES

A. Effects of Implementation

There would be no effects to the environment unless coal is produced from the lease and/or surface disturbing operations are conducted.

If the lease is mined, effects would result from deformation of the overburden and subsidence of the land surface. Additional effects would result from any surface disturbing activities such as coal exploration, construction of surface facilities for mining and the other activity associated with surface operations.

The environmental consequences for both alternatives will be essentially the same but may differ in magnitude. Under the terms and conditions contained in the existing lease (No Action Alternative), the environmental consequences may not be as thoroughly mitigated and potential operators may not receive advance notice of requirements for developments of the lease.

If the lease is readjusted, the stipulations contained in Appendix A would be included in the lease and the anticipated effects would be mitigated to the maximum degree practical.

B. Short-Term and Residual Impacts

Surface disturbing operations would result in degradation of surface water quality, increased soil erosion, removal of vegetation and the associated disturbance to wildlife from human activities and presence.

If the lease is mined, subsidence would occur at the surface. The amount and extent of subsidence would depend on the mining method, configuration of the workings, number of seams mined and the geologic factors which control the strength of the overburden. Stresses and deformations produced in mine workings, other coal seams and the overburden may effect mine safety, extraction efficiency, ground water flow and the surface environment.

Subsidence begins almost immediately upon mining and may continue for many years after the working area is abandoned. The rate, extent and amount of subsidence will vary with the geologic conditions and mining operations.

It is expected that mining and subsidence will have an effect upon the natural ground water flow which may, in turn, result in effects to surface water, soils, vegetation, wildlife habitat and land uses.

C. Short-Term Use Vs. Long-Term Productivity

Construction of facilities and operations would involve long-term uses and disturbance. The duration would be dependent on the life of the mining operation and the additional time required for revegetation of the disturbed areas following reclamation.

Underground mining and subsidence could involve long-term alteration of the ground water flow and associated effects to surface resources. The long-term productivity could be altered as drainages, soils and vegetation gradually adjust to any modified ground water conditions. The productivity could decrease or increase depending on the amount of available water.

D. Irreversible and Irretrievable Commitment of Resources

The resources that would be consumed in coal extraction would not be retrievable, and not available to be used elsewhere once expended. After the coal is mined, its' use by future generations would be irreversibly lost, and the coal left in the ground would not be retrieved.

Subsidence may result in the irretrievable commitment of some of the discussed resources.

E. Cumulative Effects

There are no cumulative effects associated with the readjustment of this lease. Cumulative effects resulting from mining coal could include the effects from subsidence, the effects associated with

surface disturbing operations such as coal exploration and construction of mining facilities, and the human activity from continued operations as exists on mines in adjacent areas.

V. PERSONNEL AND PUBLIC DEVELOPMENT

A. Forest Service Interdisciplinary Team

Brent Barney, Civil Engineer
Bill Boley, Forest Engineer
Jo Ellis, Geologist
Lee Foster, Forest Planner
Ira Hatch, District Ranger
Jim Jensen, Landscape Architect
Dennis Kelly, Hydrologist
Dan Larsen, Soil Scientist
Leland Matheson, Range Conservationist
Walter Nowak, Geologist - Team Leader
Carter Reed, Geologist
Gary Say, Forester
Bob Thompson, T&E Specialist

B. Other Organizational and Public Involvement

Bureau of Land Management
See section I.F. of this EA.

VI. SELECTED TIERING AND REFERENCE DOCUMENTS

- A. Environmental Assessment/Technical Examination for the Readjustment of Federal Coal Lease U-020668, 3/16/79.
- B. Manti-LaSal National Forest Environmental Impact Statement and Land and Resource Management Plan, 11/86.

APPENDIX A

SPECIAL STIPULATIONS

Federal Regulations 43 CFR 3400 pertaining to Coal Management make provisions for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. All or part of this lease contain lands the surface of which are managed by the United States Department of Agriculture, Forest Service - Manti-LaSal National Forest.

The following stipulations pertain to the Lessee responsibility for mining operations on the lease area and on adjacent areas as may be specifically designated on National Forest System lands.

Forest Service Stipulation #1.

Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the Lessee may be required to conduct a cultural resource inventory and a paleontological appraisal of the areas to be disturbed. These studies shall be conducted by qualified professional cultural resource specialists or qualified paleontologists, as appropriate, and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural or paleontological resources.

If cultural resources or paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the Lessee prior to disturbance shall immediately bring them to the attention of the appropriate authority. Paleontological remains of significant scientific interest do not include leaves, ferns or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #2.

If there is reason to believe that threatened or endangered (T&E) species of plants or animals, or migratory bird species of high Federal interest occur in the area, the Lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #3.

The Lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data is adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the inter-relationship of the geology, topography, surface hydrology, vegetation and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

Forest Service Stipulation #4.

Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

Forest Service Stipulation #5.

The limited area available for mine facilities at the coal outcrop, steep topography, adverse winter weather, and physical limitations on the size and design of the access road, are factors which will determine the ultimate size of the surface area utilized for the mine. A site specific environmental analysis will be prepared for each new mine site development and for major improvements to existing developments to examine alternatives and mitigate conflicts.

Forest Service Stipulation #6.

The Lessee shall be required to establish a monitoring system to locate, measure and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

Forest Service Stipulation #7.

The Lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal handling and storage facilities. On Forest Development Roads (FDR), Lessees may perform their share of road maintenance by a commensurate share agreement if a significant degree of traffic is generated that is not related to their activities.

Forest Service Stipulation #8.

Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to existing surface structures, and (3) damage or alter the flow of perennial streams. The Lessee shall provide specific measures for the protection of escarpments, and determine corrective measures to assure that hazardous conditions are not created.

Forest Service Stipulation #9.

In order to avoid surface disturbance on steep canyon slopes and to preclude the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specific approved locations.

Forest Service Stipulation #10.

If removal of timber is required for clearing of construction sites, etc., such timber shall be removed in accordance with the regulations of the surface management agency.

Forest Service Stipulation #11.

The coal contained within, and authorized for mining under this lease shall be extracted only by underground mining methods.

Forest Service Stipulation #12.

Existing Forest Service owned or permitted surface improvements will need to be protected, restored, or replaced to provide for the continuance of current land uses.

Forest Service Stipulation #13.

In order to protect big game wintering areas, elk calving and deer fawning areas, sagegrouse strutting areas, and other critical wildlife habitat and/or activities, specific surface uses outside the mine development area may be curtailed during specified periods of the year.

Forest Service Stipulation #14.

The Lessee, at the conclusion of the mining operation, or at other times as surface disturbance related to mining may occur, will replace all damaged, disturbed or displaced corner monuments (section corners, 1/4 corners, etc.) their accessories and appendages (witness trees, bearing trees, etc.) or restore them to their original condition and location, or at other locations that meet the requirements of the rectangular surveying system. This work shall be conducted at the expense of the Lessee, by a professional land surveyor registered in the State of Utah, and to the standards and guidelines found in the Manual of Surveying Instructions, United States Department of the Interior.

Forest Service Stipulation #15.

The Lessees, at their expense, will be responsible to replace any surface water identified for protection, that may be lost or adversely affected by mining operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses.

STIPULATION FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
THE DEPARTMENT OF AGRICULTURE

The licensee/permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the license/prospecting permit/lease. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of Interior, (2) uses of all existing improvements, such as Forest development roads, within and outside the area licensed, permitted or leased by the Secretary of Interior, and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior.

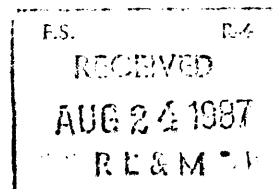
All matters related to this stipulation are to be addressed

to Forest Supervisor
Manti-LaSal National Forest
599 West Price River Drive
Price, Utah 84501

Telephone No.: 801-637-2817

who is the authorized representative of the Secretary of Agriculture.

Signature of Licensee/Permittee/Lessee



United States
Department of
Agriculture

Forest
Service

Manti-LaSal N.F.

Reply to: 2820 Mineral Leases, Permits and Licenses

Date: August 18, 1987

Subject: Readjustment of Federal Coal Leases U-38727 and U-020668

To: Regional Forester

Enclosed are the Environmental Assessments (EA's) and proposed Finding of No Significant Impact/Decision Notices (FONSI/DN's) for the readjustment of Federal Coal Leases U-38727 and U-020668. When the EA's and FONSI/DN's are sent to the Bureau of Land Management, please forward copies of the signed FONSI/DN's and consent letters to the Forest for our files. In addition, please forward copies of the FONSI/DN's to the Utah Wilderness Association for their information.

Lease U-020668 involves adjoining National Forest System and BLM lands. It was decided in consultation with the BLM that the Forest would prepare the EA for this entire lease and a joint FONSI/DN would be prepared. The FONSI/DN attached with this EA has already been signed by the Area Manager, San Rafael Resource Area.

Lease U-38727 involves National Forest System lands and a detached 80-acre tract of private land which lies outside of the National Forest boundary. It was jointly decided that the Forest would prepare the EA and FONSI/DN only for the National Forest System lands in this instance.

The Forest Environmental Coordinator has reviewed the Environmental Assessments.

George A. Morris


GEORGE A. MORRIS
Forest Supervisor

Enclosures

cc:

D-3

C. Reed (w/o enclosures)

 FILE COPY

United States
Department of
Agriculture

Forest
Service

Manti-LaSal
National Forest

599 West Price River Dr.
Price, Utah 84501

Reply to:2820

Date: September 29, 1997

Douglas M. Koza
Deputy State Director, Mineral Resources
Bureau of Land Management
Utah State Office
324 South State St.
Salt Lake City, Utah 84111-2303

RECEIVED

OCT 3 1997

Bureau of
Land Management

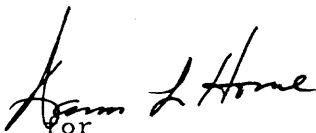
Dear Mr. Koza,

The Forest Service has reviewed Federal Coal Lease U-24317 held by PacifiCorp and Federal Coal Leases U-020668, U-024316, U-38727, and U-46484 held by C.O.P. Coal Development Co, relative to readjustment of the terms and conditions. We have found that the Forest Service stipulations currently included in the lease are consistant with our Forest Plan. The readjustment of the referenced leases may be categorically excluded from an EA or EIS under FSH 1909.15, Chapter 31.1b, Category 2d; proposing changes in contract terms or conditions and conditions of special use authorizations.

We recommend that the lease be readjusted with the Forest Service stipulations as attached. Please note the minor wording changes in Stipulations 2, 3, 16, 17 and 18 (the USDA stipulation).

If you have any questions or concerns relative to this action, please contact Jeff DeFreest, Ferron-Price District geologist, or Carter Reed, Forest Geologist at 599 West Price River Dr. Price, Utah 84501, or call 801-637-2817.

Sincerely,



JANETTE S. KAISER
FOREST SUPERVISOR

cc: Regional Forester

SPECIAL COAL LEASE STIPULATIONS

Federal Regulations 43 CFR 3400 pertaining to Coal Management make provisions for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. All or part of this lease contain lands the surface of which are managed by the United States Department of Agriculture, Forest Service - Manti-La Sal National Forest.

The following stipulations pertain to the Lessee responsibility for mining operations on the lease area and on adjacent areas as may be specifically designated on National Forest System lands.

Forest Service Stipulation #1.

Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the Lessee may be required to conduct a cultural resource inventory and a paleontological appraisal of the areas to be disturbed. These studies shall be conducted by qualified professional cultural resource specialists or qualified paleontologists, as appropriate, and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural or paleontological resources.

If cultural resources or paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the Lessee prior to disturbance shall immediately bring them to the attention of the appropriate authority. Paleontological remains of significant scientific interest do not include leaves, ferns or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #2.

If there is reason to believe that Threatened or Endangered (T&E) species of plants or animals, or migratory bird species of high Federal interest occur in the area, the Lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #3.

The Lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data are adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the interrelationship of the geology, topography, surface and groundwater hydrology, vegetation and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

Forest Service Stipulation #4.

Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

Forest Service Stipulation #5.

The limited area available for mine facilities at the coal outcrop, steep topography, adverse winter weather, and physical limitations on the size and design of access roads, are factors which will determine the ultimate size of the surface area utilized for the mine. A site-specific environmental analysis will be prepared for each new mine site development and for major improvements to existing developments to examine alternatives and mitigate conflicts.

Forest Service Stipulation #6.

Consideration will be given to site selection to reduce adverse visual impacts. Where alternative sites are available, and each alternative is technically feasible, the alternative involving the least damage to the scenery and other resources shall be selected. Permanent structures and facilities will be designed, and screening techniques employed to reduce visual impacts and, where possible, achieve a final landscape compatible with the natural surroundings. The creation of unusual, objectionable, or unnatural landforms and vegetative landscape features will be avoided.

Forest Service Stipulation #7.

The Lessee shall be required to establish a monitoring system to locate, measure and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

Forest Service Stipulation #8.

The Lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal handling and storage facilities. On Forest Development Roads (FDR), Lessees may perform their share of road maintenance by a commensurate share agreement if a significant degree of traffic is generated that is not related to their activities.

Forest Service Stipulation #9.

Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to existing surface structures, and (3) damage or alter the flow of perennial streams. The Lessee shall provide specific measures for the protection of escarpments, and determine corrective measures to assure that hazardous conditions are not created.

Forest Service Stipulation #10.

In order to avoid surface disturbance on steep canyon slopes and to preclude the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specific approved locations.

Forest Service Stipulation #11.

If removal of timber is required for clearing of construction sites, etc., such timber shall be removed in accordance with the regulations of the surface management agency.

Forest Service Stipulation #12.

The coal contained within, and authorized for mining under this lease shall be extracted only by underground mining methods.

Forest Service Stipulation #13.

Existing Forest Service owned or permitted surface improvements will need to be protected, restored, or replaced to provide for the continuance of current land uses.

Forest Service Stipulation #14.

In order to protect big-game wintering areas, elk calving and deer fawning areas, sagegrouse strutting areas, and other key wildlife habitat and/or activities, specific surface uses outside the mine development area may be curtailed during specified periods of the year.

Forest Service Stipulation #15.

Support facilities, structures, equipment, and similar developments will be removed from the lease area within two years after the final termination of use of such facilities. This provision shall apply unless the requirement of Section 10 of the lease form is applicable. Disturbed areas and those areas previously occupied by such facilities will be stabilized and rehabilitated, drainages re-established, and the areas returned to a premining land use.

Forest Service Stipulation #16.

The Lessee, at the conclusion of the mining operation, or at other times as surface disturbance related to mining may occur, will replace all damaged, disturbed or displaced corner monuments (section corners, 1/4 corners, etc.), their accessories and appendages (witness trees, bearing trees, etc.), or restore them to their original condition and location, or at other locations that meet the requirements of the rectangular surveying system. This work shall be conducted at the expense of the Lessee, by a professional land surveyor registered in the State of Utah, and to the standards and guidelines found in the Manual of Surveying Instructions, United States Department of the Interior.

Forest Service Stipulation #17.

The Lessees, at their expense, will be responsible to replace any surface and/or developed groundwater sources identified for protection, that may be lost or adversely affected by mining operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses (authorized by 36 CFR 251).

Forest Service Stipulation #18.

STIPULATION FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
THE DEPARTMENT OF AGRICULTURE

The licensee/permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the license/permit/lease. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of Interior, (2) uses of all existing improvements, such as Forest Development Roads, within and outside the area licensed, permitted or leased by the Secretary of Interior, and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed to:

Forest Supervisor
Manti-La Sal National Forest
599 West Price River Drive
Price, Utah 84501

Telephone No.: 801-637-2817

who is the authorized representative of the Secretary of Agriculture.

Signature of Licensee/Permittee/Lessee



United States
Department of
Agriculture

Forest
Service

RECEIVED Intermountain
UTAH STATE REGION

324 25th Street
Ogden, UT 84401

1987 JUL 10 AM 10:00

DEPT. OF INTERIOR
BUR. OF LAND MGMT.

Reply to: 2820

Date: JUL 08 1987
UTAH STATE OFFICE

Mr. Roland G. Robison, Jr.
Utah State Director
Bureau of Land Management
Consolidated Financial Center
324 South State Street
Salt Lake City, UT 84111

Rt.	Off.	Init.	Date
	SD		
	ASD		
	PAO		
	EEO		
	MR		
	L & R		
1	Oper.	<i>[Signature]</i>	7-17
2	<i>[Signature]</i>		

Action: _____
Info: _____
Discuss: _____

Dear Roland:

We recommend the readjustment of Federal Coal Lease U-46484 subject to the 17 stipulations in Appendix A of the enclosed Environmental Assessment.

Our recommendation to readjust this lease is based on the environmental analysis and resulting Environmental Assessment and is consistent with the Manti-LaSal National Forest Land and Resource Management Plan.

Enclosed is a copy of the Decision Notice/Finding of No Significant Impact and the Environmental Assessment.

Sincerely,

[Signature]

J. S. TIXIER
Regional Forester

Enclosures



DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR THE READJUSTMENT OF
FEDERAL COAL LEASE U-46484

RECEIVED
UTAH STATE OFFICE
1987 JUL 10 AM 10:00

DEPT. OF INTERIOR
BUR. OF LAND MGMT.

PRICE RANGER DISTRICT
MANTI-LASAL NATIONAL FOREST
CARBON AND EMERY COUNTIES, UTAH

On January 13, 1986, the Forest Service received notification from the Bureau of Land Management that Federal Coal Lease U-46484 would be subject to readjustment of terms and conditions on May 1, 1988. This notification required conducting an environmental analysis of the proposed action according to the National Environmental Policy Act of 1969. A Forest Service I.D. Team met on September 3, 1986 to evaluate the proposal.

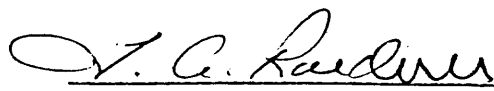
An Environmental Assessment (EA) was prepared under the direction of the Manti-LaSal National Forest Supervisor. Based on the analysis presented in this Environmental Assessment it is our decision to consent to approval of the proposed readjustment subject to the addition of Stipulations in Appendix A of the E.A. Alternative Two, as described in the E.A. is a viable alternative under the existing legislation and Forest Service policy, management decisions and direction. The No Action Alternative was evaluated and determined not to be viable as it would allow continuation of the lease under terms inconsistent with the Manti-LaSal National Forest final Environmental Statement and Land and Resource Management Plan.

This is not a major Federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. This determination was made considering the following factors:

1. No surface disturbing operations or facilities are proposed at this time. If surface disturbing operations or facilities are required in the future, a site specific environmental analysis will be prepared at that time. Additional stipulations may be specified as needed to protect the environment.
2. The identified impacts, including cumulative effects, can be effectively mitigated to an acceptable level.
3. No known prime or unique farmlands, wetlands, timberland, and rangelands; floodplains; alluvial valley floors; paleontological or cultural resources; nor threatened, endangered, or sensitive floral or faunal species will be impacted by readjustment of this lease.

4. Readjustment of this lease is consistent with the directions and decisions of the Manti-LaSal National Forest Final Environmental Impact Statement and the Manti-LaSal National Forest Land and Resource Management Plan 1986.

Based on this assessment and evaluation, Federal Coal Lease U-46484 should be readjusted By the Bureau of Land Management and shall include the attached stipulations. This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.18, Secretary of Agriculture Appeal Regulation.


for Regional Forester

JUL 8 1987
Date

ENVIRONMENTAL ASSESSMENT
FOR THE READJUSTMENT
FEDERAL COAL LEASE U-46484

PRICE RANGER DISTRICT
MANTI-LASAL NATIONAL FOREST
CARBON AND EMERY COUNTIES, UTAH

RESPONSIBLE OFFICIAL:

J. S. Tixier
Regional Forester
Intermountain Region (R-4)
USDA Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

FOR FURTHER INFORMATIONS CONTACT:

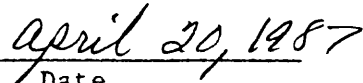
Reed C. Christensen
Forest Supervisor
Manti-LaSal National Forest
U.S. Department of Agriculture

Ira W. Hatch
Price Ranger District
599 West Price River Drive
Price, Utah 84501

Prepared by: L. Jo Ellis, Geologist

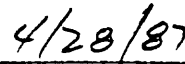
RECOMMEND APPROVAL


District Ranger


Date

APPROVED


Forest Supervisor


Date

ENVIRONMENTAL ASSESSMENT

COAL LEASE READJUSTMENT

LEASE U-46484

I. PURPOSE OR NEED FOR ACTION

A. Introduction

The partial assignment of Federal Coal lease U-024316, approved effective August 1, 1980, created a new lease which was assigned serial number U-46484. On November 4, 1982, an assignment of coal lease U-46484 between Nevada Electric Investment Company, as assignee, and Northwest Carbon Corporation, as assignor, dated September 14, 1982, was filed with the Utah State Office of the Bureau of Land Management (BLM). The BLM approved the assignment on November 1, 1983. Coal lease U-46484 will be subject to readjustment on May 1, 1988. All coal leases issued prior to August 4, 1976 are subject to readjustment (43 CFR Part 3450), at the end of the current 20 year period, and at the end of each ten year period thereafter. The subject lease is being readjusted at the end of the first ten year period in accordance with this direction.

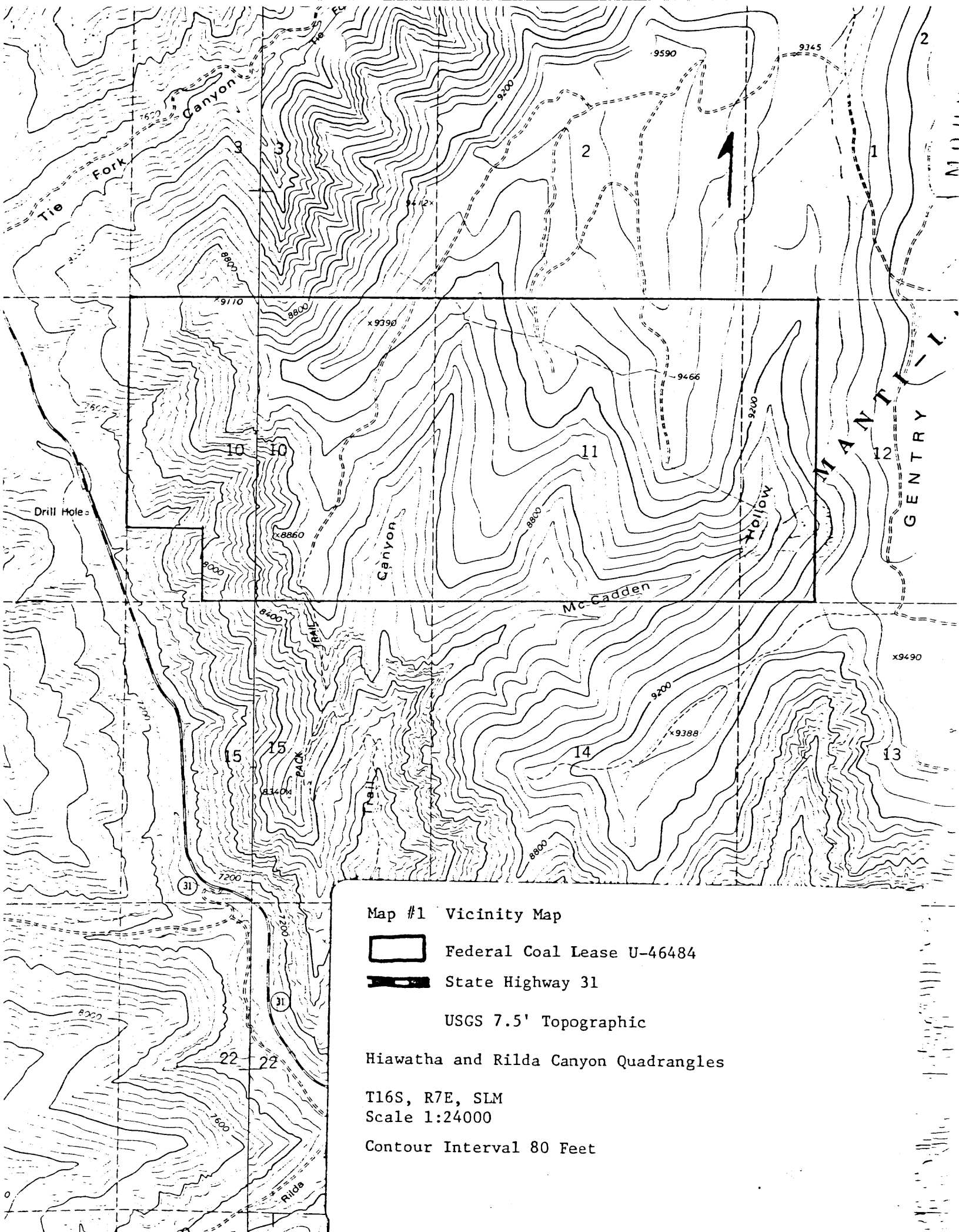
The BLM notified the Forest Service in a letter dated January 13, 1986, that the terms and conditions of Federal Coal Lease U-46484 are subject to readjustment on May 1, 1988. As the surface land management agency for Federal Coal Lease U-46484, the Manti-LaSal National Forest is responsible for conducting an environmental analysis according to the National Environmental Policy Act of 1969. The analysis will be addressed in this environmental assessment with applicable stipulations. This lease is not presently a producing lease.

Federal Coal Lease U-46484 encompasses approximately 1,400 acres on the Price District of the Manti-LaSal National Forest. The legal description is as follows (Maps 1 and 2):

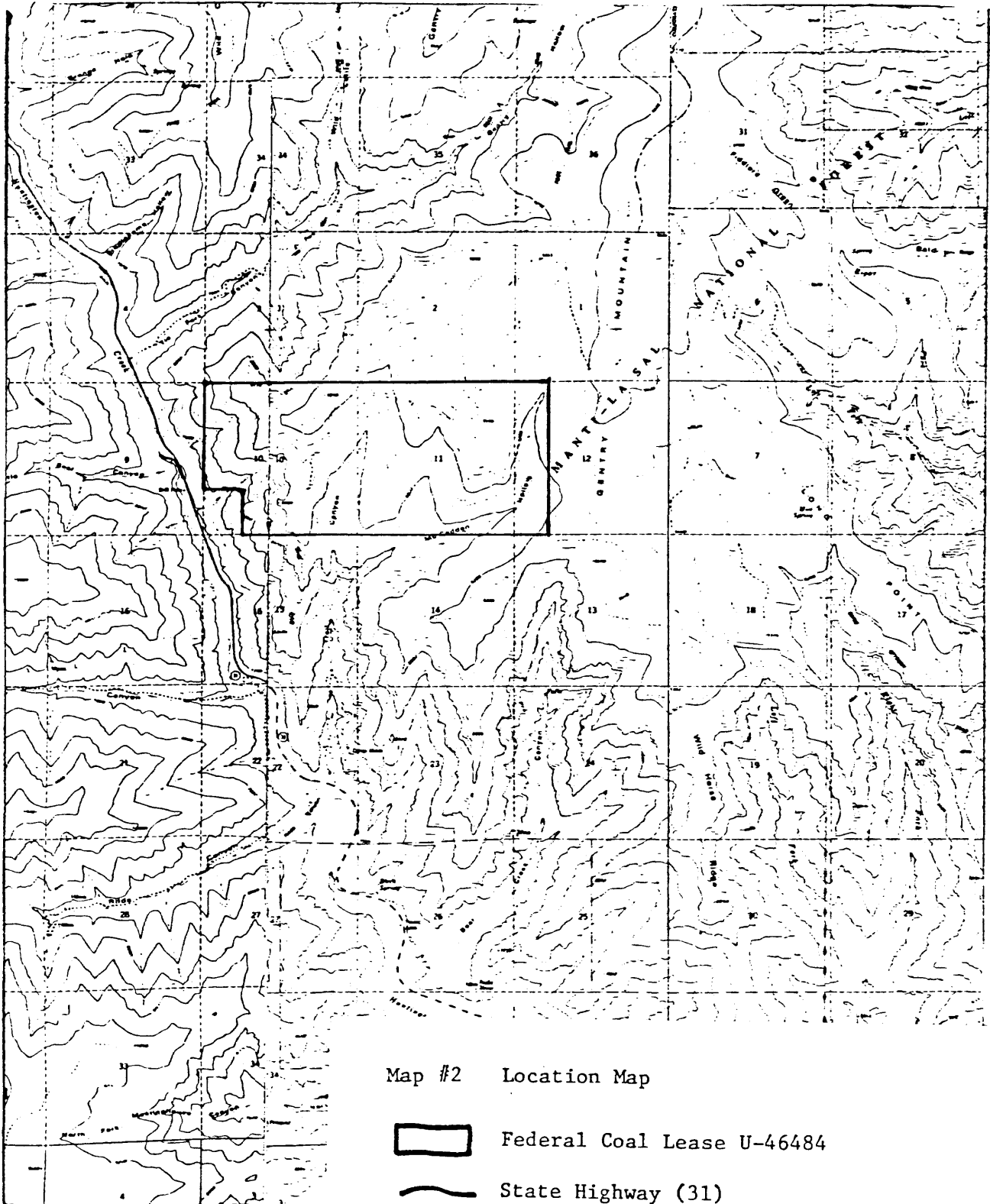
T.16 S., R.7 E., SLM, Emery County, Utah

Section 10, N1/2, N1/2S1/2, SE1/4SW1/4, S1/2SE1/4
Section 11, all
Section 12, W1/2W1/2

Coal lease U-46484 is located within the area covered by the Manti-LaSal National Forest Land and Resource Management Plan. The Forest Service Interdisciplinary (I.D.) Team met on September 3, 1986 to evaluate the proposal.



R7E R8E

T15S
T16S

Map #2 Location Map



Federal Coal Lease U-46484



State Highway (31)

Scale 1:24000 USGS 7.5 Min. Series

Rilda Canyon and Hiawatha Quadrangle

T16S
T17S

B. Authorizing Action

Leasing and development will be under the authority of the following authorizing actions: The Mineral Leasing Act of February 25, 1920, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; the Surface Mining Control and Reclamation Act (SMCRA) of 1977; the Multiple Minerals Development Act of August 4, 1977; the National Environmental Policy Act (NEPA) of 1969; the Federal Coal Leasing Amendments Act of 1976, as amended; the Act of October 30, 1978 that further amended the Mineral Leasing Act of 1920; regulations; Title 43 CFR Group 3400, Group 2800; and Title 30 CFR 700; and the Manti-LaSal National Forest Land and Resource Management Plan and Final Environmental Impact Statement 1986.

C. Mine Development

The coal in this lease could be accessed by developing portals in Tie Fork Canyon, north of the lease area, or Bear Creek Canyon, south of the lease area. No proposals for development of this lease have been received. If such a proposal were received an environmental analysis would be made at that time.

D. Issues, Concerns and Opportunities

The Forest Service ID Team identified the following concerns pertaining to the proposed coal lease readjustment;

1. Effects of subsidence on surface and hydrologic resources as a result of the underground mining of coal.
2. Effects of surface disturbing activities or facilities on area resources.

The public was informed of the proposed Federal Coal Lease readjustment in a news release on October 10, 1986. The Southeastern Utah Association of Governments, the Utah State Division of Wildlife Resources and Emery County Planning and Zoning, were notified by letters dated October 30, 1986 of the proposed action. No response was received from any of the parties addressed. Therefore no public issues have been identified.

An opportunity was identified by the Forest Service to readjust the terms and conditions of the existing lease to terms and conditions which would be consistent with the Manti-LaSal National Forest Land and Resource Management Plan. Stipulations in Appendix A will help mitigate the presently recognized environmental concerns.

E. Negative Declaration

The Forest Service ID Team did not identify any prime or unique farmlands, wetlands, timberlands and rangelands; floodplains; alluvial valley floors; threatened, endangered, or sensitive floral or faunal species.

II. PROPOSED ACTION AND ALTERNATIVES

The proposed action is to adjust the terms and conditions of Federal Coal Lease U-46484.

- A. ALTERNATIVE ONE - NO ACTION - This alternative is to take no further action to adjust the terms and conditions of Coal Lease U-46484. This would constitute a waiver of the right to readjust the existing coal lease. The original lease terms and conditions would remain in effect for the next ten years.
- B. ALTERNATIVE TWO - NEW TERMS AND CONDITIONS - This alternative is to eliminate the old terms and conditions of the existing coal lease and institute new terms and conditions to be in effect for the next 10 years. Applicable Forest Service stipulations are listed in Appendix A.

III. DESCRIPTION OF THE AFFECTED ENVIRONMENT

Federal Coal Lease U-46484 is located in Emery County, Utah within the Manti-LaSal National Forest.

A. Topography

Lease U-46484 is located on Gentry Mountain overlooking Huntington Canyon. It is bounded on the north by Tie Fork Canyon, on the east and south by McCadden Hollow and on the west by Huntington Canyon. Elevation on the tract ranges from 7,000 to 9,500 feet above seal level. The terrain on the slopes of Gentry Mountain is characterized by steep cliffs and deeply incised drainages. Gentry Mountain has fairly gentle topography at the upper elevations. The majority of the lease lies on the plateau top.

Slopes on canyon walls range from 60 percent to vertical. A stair-step appearance is a result of the resistant sandstone. These steps are often mantled by rock talus. Only the westernmost portion of the lease lies within the steep cliff section.

Undermining the lease near areas of thin overburden, especially at outcrops, may result in escarpment failure.

B. Geology

Lease U-46484 is located on the Wasatch Plateau, a transitional zone between the complex Basin and Range Province to the west, and the Colorado Plateau to the east. The plateau has characteristics of both geological provinces.

The rock formations found on the lease from oldest to youngest are the Star Point Sandstone, Blackhawk, Castlegate Sandstone, Price River and North Horn. These are essentially flat lying sedimentary rock layers consisting of sandstone, limestone and shale. These formations display interbedding and crossbedding structures and contain lenticular sandstone lenses.

Generally the strata dip approximately 5 to 8 degrees to the west. The major regional structural feature is a horst (or upthrown block) formed by the Joe's Valley and Pleasant Valley Faults. Lease U-46484 is dissected by several large faults which trend parallel to the horst boundaries N 14°W. Maximum displacement along these faults, as noted in the field, does not exceed 200 feet. Smaller faults trending parallel or perpendicular (sympathetic) to these faults also exist. Jointing patterns and topographic features, i.e., ridges, canyons, hollows, also follow the faulting patterns.

Commercial coal beds on Lease U-46484 are in the Blackhawk Formation. These beds outcrop in the canyon walls between 7,500 and 8,000 feet above sea level. The Blackhawk has an average thickness of 900 feet on the lease. Its composition varies from sandstone, shale and coal. It contains sandstone lenses, with common fluctuation in bed thickness.

Overburden at the top of Gentry Mountain is approximately 1,600 feet thick.

Two coal seams of economic importance occur on Lease U-46484. The lower seam is the Hiawatha, lying directly above the contact of the Blackhawk and the Star Point Sandstone. According to Doelling (1972), it ranges in thickness from 6 to 8 feet. The upper seam is the Blind Canyon, which lies 90 to 100 feet above the Hiawatha. This seam varies in thickness from 6 to 10 feet.

C. Groundwater

Ground water surfaces as springs and seeps at elevations ranging from 7,300 to 9,200 feet. The majority of the springs and seeps occur within the Blackhawk Formation between 7,600 and 8,400 feet. Many of the springs are closely associated with lithologic contacts, where there is a change in permeability.

The Price River Formation is found between the younger Castlegate Sandstone Formation and the older North Horn Formation. While some of the contact areas do not display any flow of water, there is notable change in soil moisture content along the upper and lower contacts of the formation which is observable by the growth of riparian vegetation.

Within the North Horn Formation there are four sizeable springs. These occur in intermittent streams and may be related to the flow of groundwater intersecting the profile of the flow of surface water.

Faults and associated sympathetic joints may play a part in the channelization of groundwater flow. Canyons and ridges follow the trend of these faults and few springs are found along them. More frequently seep areas that are intermittent occur along these faults.

Recharge to groundwater aquifers is through precipitation mostly as snow. Due to the configuration of the ridges and canyons, the leeward side of the ridges seem to receive the greater amounts of snow, and are more protected from melting. This increase in recharge is evidenced by the occurrence of many of the springs and seeps on the leeward side of the ridge.

Interruption, relocation or alteration of groundwater may occur as a result of development, underground mining and the subsequent subsidence if the lease is mined.

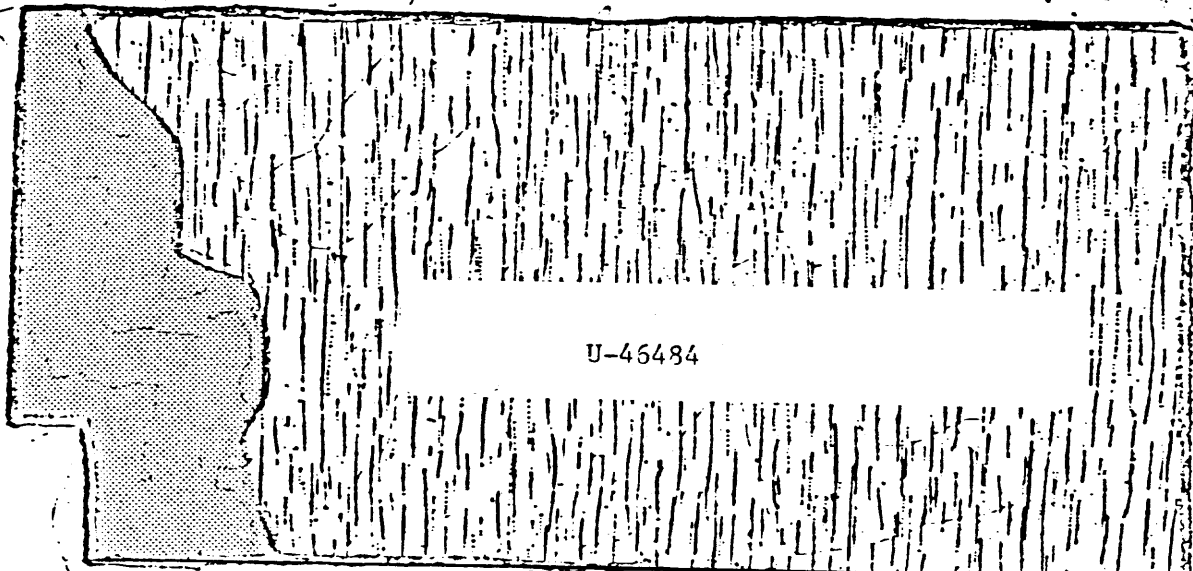
D. Soils

Two broad capability units were formed from the consolidation of mapping units (Map #3). This was based on their inherent characteristics and their response to management activities. Interpretations address sediment production, fertility and soil stability.

1. Capability Unit A - This unit takes in the steep canyon walls and ridges of Lease U-46484. Soils have developed from colluvial and residual parent material. Slopes face all aspects.

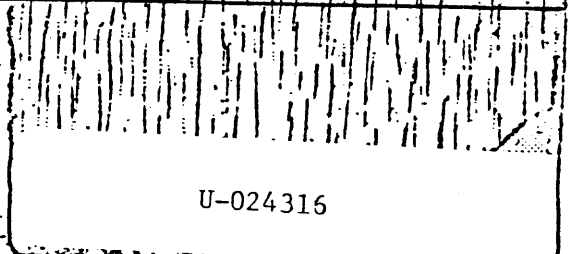
Soils are generally less than 20 inches deep. Textures for surface and subsurface soils are very gravelly and cobbly loams and clay loams. Coarse fragments range from 35 to 60 percent. The color of the surface soil is dark brown.

With existing use, the erosion from these soils is estimated to be one ton/acre/year. Using sediment yield and loss of soil productivity as criteria, this rate is considered low. Disturbance of the soils by activities that completely remove the natural protective surface cover and disrupt the natural physical condition of the soil, is estimated to increase the erosion to between 4 to 7 tons per acre. This rate is considered high. Accelerated erosion will continue at a decreasing rate over time as a protective soil cover becomes established. Since these soils have a low fertility level (due to high coarse fragments, low available water, shallow soils and low organic matter), naturally revegetating to the present vegetative state, will take many years. Special revegetative measures (topsoiling, mulching, seeding, fertilizing etc.), will decrease the time establishment. Revegetation under these practices will be expensive and still take many years. Rock fall occurs in this unit in areas where the slope is greater than 80 percent: the source being the natural disintegration of the sandstone cliffs.



U-46484

Map #3 1988 Coal Lease Readjustment
Soil Capability Map
Scale 1:24,000



U-024316

SOIL CAPABILITY MAP

Unit A 

Unit B 

Soil creep occurs mainly on slopes greater than 55 percent. These are generally fine textured soils underlain by decomposed shales. Slump failures are located near the upper slopes of the unit.

2. Capability Unit B - This unit consists of the plateau portion of Gentry Mountain and the gentle slopes surrounding it. The slopes generally face south. Soils were formed from sandstone, shale and limestone parent material. These rock types are residual and colluvial products of the North Horn Formation.

Depth of soil ranges from 20 inches to greater than 40 inches. Surface soils are loams and clay loams. Subsurface soils are clay loams and gravelly clay loams. Coarse fragment content increases to about 50 percent at the lower portion of the soil profile. The surface soil has a very dark brown color.

These soils are considered to have a moderate to high fertility. This quality means that under minimal revegetative practices (disseminating seed with no seedbed preparation), a disturbed site should have a protective cover of vegetation established within several years after a disturbance. In units where the coarse fragment content is high, more than several years should be expected for revegetation. This capability unit in its natural state, shows little sign of surface and subsurface instability. Deep disturbance will create potentially unstable slopes conditions on steep slopes (greater than 55 percent), and slopes with springs or a high water table. Soil erosion at present is estimated at less than one ton per acre per year (low erosion rate). Disturbance which would result in the complete removal of the natural protective surface cover and physically disturb the soil would increase the soil loss rate to between 3 and 5 tons/acre/year rate. This is considered a moderate erosion rate. Accelerated erosion would continue at a declining rate for several years as a protective ground cover slowly becomes re-established. Specialized revegetation practices (fertilizing, mulching, topsoiling, seeding, seedbed preparation), would hasten the development of vegetative ground cover.

E. Climate

The climate of the lease area is generally cool and dry. Precipitation and temperature vary with elevation. Storage rain gages at similar elevations in nearby Joe's Valley average 14.6 inches per year at valley stations to 19 inches per year on ridges. Most of the precipitation, approximately two-thirds, comes in the form of snow during the months of October through April. The maximum snow accumulation occurs about the first of March each year. Snow depths average 27 inches. Snow accumulation varies considerably with local topography. The

eastern sides of ridges and the north-facing slopes accumulate the most snow. South-facing slopes are snow-free for much of the winter.

The thermal characteristics vary with elevation. Mean annual temperatures vary from 43.5 degrees Fahrenheit in the bottom of Bear Canyon to 32 degrees Fahrenheit on Wild Horse Ridge. The annual frost-free periods for these same sites are 100 days and 40 days respectively. Mean maximum and minimum temperatures for January are 28 degrees Fahrenheit and 18 degrees Fahrenheit respectively. July mean maximum and minimum temperatures are 84 degrees Fahrenheit and 52 degrees Fahrenheit respectively.

F. Surface Hydrology

The hydrologic properties of Lease U-46484 are highly variable. Runoff drains to the west into Huntington Canyon via Trail Canyon, McCadden Hollow and the west slope of Gentry Mountain. The source and magnitude of surface runoff vary with land condition, elevation, geology, and soils. Using aerial photography to denote this variation, areas were delineated by hydrologic response groups (see Map #4). Runoff sources and potential, drainage patterns, and sediment delivery potential were evaluated. Where groups were observed to be particularly sensitive to disturbance, additional data was collected to further describe that sensitivity. The hydrologic response groups are summarized as the following:

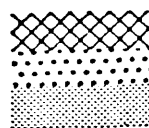
1. Infrequent Runoff Group - This group has good to excellent ground cover. The high infiltration rates preclude surface runoff from high intensity storms. Subsurface water movement is substantial. Sediment production and transport are inhibited by the dense ground cover. Drainage patterns are weakly formed or deranged. Surface runoff that does occur is a result of snowmelt.
2. Incipient Runoff Group - This group produces small amounts of surface runoff nearly every year. High intensity storms produce overland flow. Snowmelt also produces runoff. Drainage patterns are weakly incised on side slopes, but may have deep cross-sections where rills empty into stream channels. Valley bottoms have good potential for mitigating short-term impacts, but can produce very large amounts of sediment if disturbed for a sustained period of several seasons. Sediment delivery from this group is generally high if not buffered by more restrictive conditions below it. For example, in some instances this group produces sediment that is buffered from sediment delivery by the Infrequent Runoff Group which traps most of the off-site sediment.
3. High Runoff-Flood Source Group - This group has a high runoff potential. It is further subdivided into sections A and B. Section A presents the greatest problems due to steep slopes,

U-45484

U-024316

MAP#4 1988 Coal Lease Readjustment
Hydrologic Response Map
Scale 1:24,000

Hydrologic Response Groups
Infrequent Runoff Group
Incipient Runoff Group
High Runoff-Flood Source Group



and sparse vegetation. Soil cover is minimal. Summer runoff may generate high flow rates. In 1976, the left fork of Bear Canyon was the source area for a mud-rock flow which caused considerable damage to bridge below the old mine site. Much of section A has the potential to create this type of flow, and severely increase sediment production and transportation with high intensity runoff.

Section B has more soil and vegetation than A. Slopes are generally more stable. Runoff potential is high, but tempered by the coarser nature of the surface deposits. This material is infrequently displaced during high runoff events.

G. Fire

The occurrence of wildfire, either man or lightning caused, within Lease U-46484 is low. According to records kept for the last nine years there was only one recorded fire. The lease area is therefore classified as low risk occurrence.

The development of portal facilities, road construction and drilling operations on the lease would increase the man-caused hazard.

H. Wildlife and Fish

Deer use the area of Lease U-46484 for summer and some winter range. Elk use the southern ridges for winter range.

The diversity of vegetative types on the lease supports a diverse wildlife population. Besides deer and elk, other game and furbearing species may include: black bear, cougar, bobcat, red fox, grey fox, badger, coyote, snowshoe hare, and mink. Avifauna of the area may include several species of hawk, owl, eagle, jay and sparrow. Because of the diversity of habitat components, there are probably many small mammals and songbirds found on the lease which are too numerous to list in detail in this report.

There are no fisheries within the lease area. The lease area does drain into Huntington Creek which is considered a valuable fishery.

The American Bald Eagle is the only known endangered animal species that may inhabit the area. Bald Eagles are known to winter throughout the region.

Some impacts to wildlife could result from the development of this lease due either from subsidence, from underground mining or surface activities, i.e. drilling, road construction or facilities.

I. Vegetation

Trees are scattered throughout the Lease U-46484. The coniferous species such as Douglas fir, englemann spruce and white fir are found primarily on the wetter sites, the north and east facing slopes. Quaking aspen grow in clones on the wetter sites that occur on the dry, high elevation south and west aspects. Bristlecone pine and limber pine grow on the higher elevations in harsh, dry environments. Further down the slopes in the canyon and escarpment faces there is an abundance of Utah juniper and pinyon pine.

The low-laying and brushy vegetation on the dry sites consists of: sagebrush, rabbitbrush, mountain mohogany, nail wort, thistle, elk weed, wild daisy and hard grass. The moderate-to-wetter site plant communities are made up of: serviceberry, snowberry, woods rose, yarrow, pearl everlasting, locoweed, dandelion, cinquefoil, lupine, wheatgrasses, brome, needlegrass and bluegrass. These plants grow in large open expanses primarily on the south and west aspects, ridge tops and under the sparse tree stands. The Forest Botanist investigated the lease area for threatened or endangered plant species and none were found.

J. Socio-Economic

There is no planned development for Lease U-46484 at this time. Therefore there should be no changes to the socio-economic situation in the area. Demand for coal has decreased in the last year or two and the prediction now is for only a moderate increase over the next 10 years. Unless there is a drastic change in this situation the present conditions should remain fairly constant.

K. Historical, Archeological and Paleontological Resources

The general area contains only a small number of known sites. There is evidence of the Fremont Culture and early Ute usage to the south and east of the lease area. Generally, the settlements were established at the lower elevations in lower Huntington Canyon.

Lease U-46484 is not considered to be a suitable location for archeological sites, although some of the major ridges and drainages were probably used for travelways.

Data is not available on the presence or absence of artifacts within the leasehold. Before any surface disturbing activity can be approved, site specific examination by qualified and designated individuals will be necessary.

Fossils occur on the lease, but none are found to be of significant paleontologic value.

L. Timber Management

There has been timber sale activity on the lease area in the past and some recent cutting of timber and poles. There are plans for harvesting more timber from the area covered by the lease. Merchantable timber include, Douglas fir, Engelmann spruce and white fir.

M. Range Management

Lease U-46484 is within the Gentry Mountain Cattle and Horse Allotment. These are 1440 head of cattle that graze this allotment from approximately June 27 to August 1. There are two livestock driveways that provide access to the allotment. One goes through Trail Canyon and crosses lease U-46484. The other utilizes Chris Otteson Hollow to the east of the lease.

Approximately 892 acres of the lease area is classified as either unsuitable or non-rangeland because of steep slopes, stands of heavy timber, barren slopes or rock outcrop. Approximately 488 acres of sagebrush and the areas under the aspen stands are classified as suitable range. The suitable range offers fair to excellent grazable vegetation.

Range improvements on the lease include:

1. Trail Canyon Drift Fence
2. Bear Canyon Drift Fence
3. Left Fork Trail Canyon Trough (10 feet)
4. McCadden Ridge Trough (10 feet)
5. West McCadden Pond

Mining and exploration of this lease could have some effect on the range management of the area. Subsidence could affect present water sources. Exploration and/or development could take portion of the range out of production for a period of time.

IV. ENVIRONMENTAL CONSEQUENCES

This section describes the environmental consequences of the proposed action. There will be no environmental consequences unless the lease is mined.

A. ALTERNATIVE ONE - NO ACTION

This is not considered a viable alternative due to the decisions made in the Manti-LaSal National Forest Land and Resource Management Plan. The Forest Plan has made the determination as to the stipulations which are necessary for coal leasing. The present lease terms are not consistent with the plan.

B. ALTERNATIVE TWO - NEW TERMS AND CONDITIONS

Short-Term and Residual Impacts

There should be no short-term and residual impacts related to the readjustment of coal lease U-46484. Terms and conditions listed in Appendix A should help mitigate short-term impacts and minimize residual impacts if coal is mined from this lease. If surface facilities are required for coal production, a site specific analysis and environmental assessment or environmental impact statement would be prepared. Additional stipulations would be required at that time.

Residual impacts which will occur are related to subsidence due to underground mining of coal. There will be changes to the topography and hydrology of the area. Subsidence may decrease surface water or change the location of spring and seeps. These changes will effect the vegetation and therefore the wildlife habitat and range.

Short-Term and Long-Term Productivity

There will be no long-term changes to productivity due to the readjustment of this lease. If coal is mined from the lease there will be some impacts to the productivity of the area as a result of subsidence and changes in the hydrology. Changes may include a shift in plant communities as surface water decreases or is relocated.

Irreversible and Irretrievable Commitments

There are no irreversible or irretrievable commitments of resources associated with the readjustment of coal lease U-46484. Mining of the coal would be an irreversible commitment of a mineral resource. Subsidence is also an irreversible commitment. Irreversible and irretrievable commitments associated with construction of surface facilities would be evaluated at the time such a proposal was presented.

V. CUMULATIVE EFFECTS

There are no cumulative effects associated with the readjustment of this lease. Cumulative effects resulting from mining coal would include; increased subsidence which is affecting surrounding mined areas; changes in the area hydrology; changes to the hydrologic character of the area already impacted by mining and additional mine and transportation facilities.

VI. PERSONNEL AND ORGANIZATIONS CONTACTED

A. Forest Service I.D. Team and Consultants

Jo Ellis	Geologist	Team Leader
Ira W. Hatch	District Ranger	Team Member
Leland Matheson	Range Conservation	" "
Gary Say	Timber/Recreation	" "
Walt Nowak	Geologist	Consultant
W. H. Boley	Forest Engineer	Team Member
Dan Larsen	Soil Scientist	" "
Dennis Kelly	Hydrologist	" "
Jim Jensen	Landscape Architect	" "
Carter Reed	Geologist(SO Coordinator)	Consultant
Bob Thompson	T. & E. Specialist	" "
Lee Foster	NEPA Coordinator	" "

B. Other Organizations Contacted

Southeastern Association of Governments

Utah Division of Wildlife Resources

Emery County Planning and Zoning

VII. SELECTED REFERENCES

1. Manti-LaSal National Forest Final Environmental Impact Statement and Manti-LaSal National Forest Land and Resource Management Plan, 1986.
2. Environmental Assessment/Technical Examination, Readjustment of Federal Coal Leases U-024316, U-024318, U-020668, 1979.

APPENDIX A

SPECIAL STIPULATIONS

U-46484

Federal Regulations 43 CFR 3400 pertaining to Coal Management make provisions for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. All or part of this lease contain lands the surface of which are managed by the United States Department of Agriculture, Forest Service - Manti-LaSal National Forest.

The following stipulations pertain to the Lessee responsibility for mining operations on the lease area and on adjacent areas as may be specifically designated on National Forest System lands.

Forest Service Stipulation #1.

Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the Lessee may be required to conduct a cultural resource inventory and a paleontological appraisal of the areas to be disturbed. These studies shall be conducted by qualified professional cultural resource specialists or qualified paleontologists, as appropriate, and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural or paleontological resources.

If cultural resources or paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the Lessee prior to disturbance shall immediately bring them to the attention of the appropriate authority. Paleontological remains of significant scientific interest do not include leaves, ferns or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #2.

If there is reason to believe that threatened or endangered (T&E) species of plants or animals, or migratory bird species of high Federal interest occur in the area, the Lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #3.

The Lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data is adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the inter-relationship of the geology, topography, surface hydrology, vegetation and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

Forest Service Stipulation #4.

Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

Forest Service Stipulation #5.

The limited area available for mine facilities at the coal outcrop, steep topography, adverse winter weather, and physical limitations on the size and design of the access road, are factors which will determine the ultimate size of the surface area utilized for the mine. A site specific environmental analysis will be prepared for each new mine site development and for major improvements to existing developments to examine alternatives and mitigate conflicts.

Forest Service Stipulation #6.

The Lessee shall be required to establish a monitoring system to locate, measure and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

Forest Service Stipulation #7.

The Lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal handling and storage facilities. On Forest Development Roads (FDR), Lessees may perform their share of road maintenance by a commensurate share agreement if a significant degree of traffic is generated that is not related to their activities.

Forest Service Stipulation #8.

Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to existing surface structures, and (3) damage or alter the flow of perennial streams. The Lessee shall provide specific measures for the protection of escarpments, and determine corrective measures to assure that hazardous conditions are not created.

Forest Service Stipulation #9.

If removal of timber is required for clearing of construction sites, etc., such timber shall be removed in accordance with the regulations of the surface management agency.

Forest Service Stipulation #10.

The coal contained within, and authorized for mining under this lease shall be extracted only by underground mining methods.

Forest Service Stipulation #11.

Existing Forest Service owned or permitted surface improvements will need to be protected, restored, or replaced to provide for the continuance of current land uses.

Forest Service Stipulation #12.

In order to protect big game wintering areas, elk calving and deer fawning areas, sagegrouse strutting areas, and other critical wildlife habitat and/or activities, specific surface uses outside the mine development area may be curtailed during specified periods of the year.

Forest Service Stipulation #13.

Support facilities, structures, equipment, and similar developments will be removed from the lease area within two years after the final termination of use of such facilities. This provision shall apply unless the requirement of Section 10 of the base is applicable. Disturbed areas and those areas previously occupied by such facilities will be stabilized and rehabilitated, drainages re-established, and the areas returned to a premining land use.

Forest Service Stipulation #14.

If Removal of timber is required for clearing of construction sites, etc., such timber shall be removed in accordance with the regulations of the surface management agency.

Forest Service Stipulation #15.

The Lessee, at the conclusion of the mining operation, or at other times as surface disturbance related to mining may occur, will replace all damaged, disturbed or displaced corner monuments (section corners, 1/4 corners, etc.) their accessories and appendages (witness trees, bearing trees, etc.) or restore them to their original condition and location, or at other locations that meet the requirements of the rectangular surveying system. This work shall be conducted at the expense of the Lessee, by a professional land surveyor registered in the State of Utah, and to the standards and guidelines found in the Manual of Surveying Instructions, United States Department of the Interior.

Forest Service Stipulation #16.

The Lessees, at their expense, will be responsible to replace any surface water identified for protection, that may be lost or adversely affected by mining operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses.

Forest Service Stipulation #17.

STIPULATION OF LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
DEPARTMENT OF AGRICULTURE

The Licensee/permittee/Lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the License/prospecting permit/lease. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of the Interior, (2) uses of all existing improvements, such as Forest development roads, within and outside the area licensed, permitted or leased by the Secretary of the Interior, and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed

to Forest Supervisor
Manti-LaSal National Forest
at 599 West Price River Drive
Price, Utah 84501

Telephone No.: (801) 637-2817

who is the authorized representative of the Secretary of Agriculture.

Signature of Licensee/Permittee/Lessee